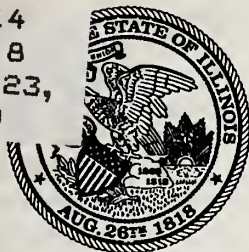


Reserve
KFI
1235
A21
v. 14
no. 8
Feb 23,
1990



JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 8

A WEEKLY
PUBLICATION

FEBRUARY 23
1990

Pages 2721-2980

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

KFI 1235 .A21
v. 14
no. 8
Illinois register
Received on: 02-28-90

ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES	PAGE
COMMERCE COMMISSION, ILLINOIS	
Relocation Towing; 92 Ill. Adm. Code 1710	2721
Telephone Assistance Program; 83 Ill. Adm. Code 757	2731
INSURANCE, DEPARTMENT OF	
Advertising & Sales Promotion of Life Insurance & Annuities; 50 Ill. Adm. Code 909	2744
Life Insurance Solicitation; 50 Ill. Adm. Code 930	2754
POLLUTION CONTROL BOARD	
Definitions & General Provisions; 35 Ill. Adm. Code 211	2766
Organic Material Emission Standards & Limitations; 35 Ill. Adm. Code 215	2772
Permits; 35 Ill. Adm. Code 105	2784
Underground Storage Tanks; 35 Ill. Adm. Code 731	2791
PUBLIC AID, DEPARTMENT OF	
Aid to Families with Dependent Children; 89 Ill. Adm. Code 112	2798
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	2811
General Assistance; 89 Ill. Adm. Code 114	2821
Medical Assistance Programs; 89 Ill. Adm. Code 120	2831
REHABILITATION SERVICES, DEPARTMENT OF	
Telecommunication Devices for the Hearing Impaired; 89 Ill. Adm. Code 890	2844
SECRETARY OF STATE	
Issuance of Licenses; 92 Ill. Adm. Code 1030	2852
ADOPTED RULES	
LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL	
Fair Share Fee Objections; 80 Ill. Adm. Code 1125	2873
POLLUTION CONTROL BOARD	
Introduction; 35 Ill. Adm. Code 301	2879
Monitoring & Reporting; 35 Ill. Adm. Code 305	2888
Permits; 35 Ill. Adm. Code 309	2892
Water Quality Standards; 35 Ill. Adm. Code 302	2899
SECRETARY OF STATE	
Cancellation, Revocation, or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	2944
Mandatory Vehicle Liability Insurance; 50 Ill. Adm. Code 8010	2952

(continued on next page)

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO
PROPOSED RULES**

POLLUTION CONTROL BOARD

Water Quality Standards; 35 Ill. Adm. Code 302, Refusal2960

REHABILITATION SERVICES, DEPARTMENT OF

Service Plan Development; 89 Ill. Adm. Code 700, Refusal2968

PUBLIC INFORMATION

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OF

Summary of Order of Fine & no Suspension or Revocation of License to Act
as a Residential Mortgage Licensee of Lorac Mortgage Corporation, Carol
Sutton, President2969

Summary of Order of Revocation of License to Act as a Residential Mortgage
Licensee of Advantage Mortgage Corporation, Robert Klbecka, President2970

Summary of Order of Revocation of License to Act as a Residential Mortgage
Licensee of First Universal Mortgage Company, Martie Lee, President2971

Summary of Order of Revocation of License to Act as a Residential Mortgage
Licensee of Midwest Mortgage Financial Group Ltd., Charles Taylor2972

Withdrawal of Order of Summary Suspension of & Reinstatement of the
License of Preferred Financial Services, Inc., Carol Stone, President,
To Act as a Residential Mortgage Licensee.2973

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received2974

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

90-038 Marian Catholic High School Band Day2975

90-039 Super Smile Day2975

90-040 Cardiac Rehabilitation Week2976

90-041 Employee Health and Fitness Day2976

90-042 FFA Week2977

90-043 Future Business Leaders Of America-Phi Beta Lambda Week2977

90-044 League Of Women Voters Week2978

90-045 Recognizes Lacey C. Brooks2978

90-046 Salute To Hospitalized Veterans Week2979

CUMULATIVE INDEX

1990 Index - Issue #8CI-1

SECTIONS AFFECTED INDEX

1990 Index - Issue #8SAI-1

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1710
- 3) Section Numbers:

1710.90	<u>Proposed Action:</u>
1710.91	Repeal
1710.160	Amend
1710.170	Amend
1710.171	Add
1710.172	Add
- 4) Statutory Authority: 1987 Ill. Rev. Stat., ch. 95 1/2, par. 18a-200
- 5) A Complete Description of the Subjects and Issues Involved: 92 Ill. Adm. Code 1710, "Relocation Towing," contains the Commission's rules on the commercial relocation of trespassing vehicles. The Transportation Division advocates amendment of Part 1710 to restructure record keeping of individual tows and amend the fees to reflect the new system for the creation and retention of records. It is necessary to increase the total monies generated in order to cover the expenses incurred implementing the Illinois Commercial Relocation of Trespassing Vehicles Law. Specifically, the proposed amendments would repeal the current requirement for a relocater to complete a copy of the Commission's relocation tow form for each relocation or tow (Section 1710.90) and replace this with a requirement to acquire forms from the Commission for a fee of \$3.00 per form and to use a form for each relocation (Sections 1710.170 and 1710.171). Under the proposed amendments, public notice must be given of the necessity of supplying the vehicle owner with a copy of the completed tow record form. Section 1710.160 is being amended to reduce the application fee and the renewal fee, eliminate the vehicle fee and the contract filing fee, and to add the per form fee. Section 1710.91 is being updated to provide the correct mailing address.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
 - 10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
 - 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Office of Transportation Counsel
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706

Comments should be filed within 45 days of the date of this issue of the Illinois Register.
 - 12) Initial Regulatory Flexibility Analysis:
 - A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 9, 1990
 - B) Types of small businesses affected: This amendment will affect those relocation towing companies that are also small businesses as defined in the Illinois Administrative Procedure Act.
 - C) Reporting, bookkeeping or other procedures required for compliance: A relocation tow must complete and retain a copy of the Relocation Tow Record Form for each relocation tow performed.
 - D) Types of professional skills necessary for compliance: None

The full text of Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1710
RELOCATION TOWING

SUBPART A: MISCELLANEOUS PROVISIONS

Section
1710.10

Definitions

SUBPART B: APPLICATIONS FOR RELOCATOR'S, OPERATOR'S AND
DISPATCHER'S LICENSES

Section
1710.20
1710.21
1710.22

Application Forms
Notice of Applications
Policy on Applications

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.30
1710.31
1710.32
1710.33

Licenses Conditioned Upon Compliance
Licenses To Be Carried By Holder
Alteration of Licenses
Relocator's Endorsement of Operator's License

SUBPART D: PROHIBITED ACTIVITIES

Section
1710.40
1710.41
1710.42

Relocating Vehicles From Authorized Spaces
Relocating Vehicles From Private Property Without
Authorization From Property Owner
Relocation of Vehicles Not in Accordance with
Proper Posting

1710.43 Relocating Vehicles Where Owner or Driver is Present
1710.44 Operation of Unsafe Vehicles
1710.45 Transacting Business at Unauthorized Locations
1710.46 Posting Signs At Locations Where the Relocator Is
Not Authorized To Operate

1710.47 Certain Types of Compensation to Relocators Prohibited
1710.48 Compensation to Property Owners and Others

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART E: POSTING OF SIGNS

Section
1710.50
1710.51
1710.52

Posting Requirements
Sign Specifications
Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Section
1710.60

Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

Section
1710.70
1710.71
1710.72

Licenses Conditioned Upon Compliance With Insurance
Requirements
Proof of Insurance or Bond Coverage
Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

Section
1710.80
1710.81

Notification of Law Enforcement Agencies
Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Section
1710.90
1710.91
1710.92
1710.93

Records of Individual Relocation Tows (Repealed)
Written Authorizations to Relocate/Contracts
Maintenance of Books and Records
Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section
1710.100

Filing Requirements

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section
1710.110
1710.111

Public Information Pamphlets
Informal Complaint Form

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SUBPART L: RECLAIMING RELOCATED VEHICLES

Section
1710.120 Conditions Under Which Vehicles Are To Be Released
1710.121 Identification of Vehicle Owner or Driver
1710.122 Payment of Fees and Charges
1710.123 Hours During Which Vehicles May Be Reclaimed

SUBPART M: STORAGE LOTS

Section
1710.130 Ownership and Identification of Storage Lots
1710.131 Security of Storage Lots
1710.132 Attendance at Storage Lots
1710.133 Maintenance of Records at Storage Lots

SUBPART N: ENFORCEMENT

Section
1710.140 Revocation of Licenses

SUBPART O: LEASING

Section
1710.150 Adoption by Reference of Leasing Requirements
1710.151 Supervision and Control of Leased Equipment with Drivers
1710.152 Leases to be Exclusive

SUBPART P: FEES

Section
1710.160 Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section
1710.170 Relocation Tow Record Form
1710.171 Use and Retention of Relocation Tow Record Forms
1710.172 Public Notice

AUTHORITY: Implementing Section 18a-100 et seq. and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18a-100 et seq. and 18a-200).

ILLINOIS REGISTER
ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective May 28, 1979; amended at 7 Ill. Reg. 4142, effective April 1, 1983; codified at 8 Ill. Reg. 8912; Part recodified at 10 Ill. Reg. 18012; old Part repealed and new Part adopted 11 Ill. Reg. 17718, effective October 15, 1987; peremptory amendment at 12 Ill. Reg. 1630, effective December 23, 1987; amended at 11 Ill. Reg. , effective .

NOTE: Capitalization denotes statutory language.

SUBPART I: BOOKS AND RECORDS

Section 1710.90 Records of Individual Relocation Tows (Repealed)
~~Each relocater shall complete a copy of the Commission's Relocation Tow Record form for each relocation or tow-it performs. The form shall not be altered in any way except by the addition of the relocater's name, address, and telephone number.~~
(Source: Repealed at Ill. Reg. , effective)

Section 1710.91 Written Authorizations to Relocate/Contracts

- a) Each relocater shall maintain a file of all written authorizations to relocate vehicles, and contracts relating thereto.
- b) Each contract between a relocater and one or more property owners, lessees, or agents shall state:
 - 1) The name of the relocater and all other parties to the contract;
 - 2) The location of each property to which the contract applies;
 - 3) A description of all services to be provided by the relocater; and
 - 4) A description of all compensation to be received by the relocater.
- c) Each contract shall also provide that:
 - 1) Signs posted on the property in compliance with this Part are the property of the relocater;

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 2) The relocater has the right to enter the property for purposes of posting and removing signs; and
- 3) The contract shall not be terminated except on 10 days notice; and
- 4) The contract is the exclusive statement of terms between the parties.
- d) The provisions required under subsection (c) shall be implied if not expressly stated in the contract.
- e) The provisions of subsections (c)(1) and (c)(2) shall remain in effect until all signs have been removed by the relocater, notwithstanding the termination of the contract for other purposes.
- f) Contract Summary.
 - 1) No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been filed.
 - 2) Only 1 authorization to tow or contract shall be in effect for any lot at any time. No other authorization or contract shall become effective until the prior authorization has been cancelled and notice of cancellation is filed with the Commission.
 - 3) Relocator Contract Summaries and notices of cancellation shall be filed with the Commission at the following address:

Illinois Commerce Commission
Transportation Division
#00-Nr-Besette-Str
Chicago, IL-60601
188 Industrial Drive, Suite 232
Evanston, IL 60126

(Source: Amended at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SUBPART P: FEES

Section 1710.160 Fees

a) The following initial fees shall apply:

- a) Filing fee for application for relocater's license \$27-500 \$500
- 2) Relocater's vehicle fee (payable upon filing an application for relocater's license) \$---50
- b) Filing fee for application to renew for the biennial renewal of a relocater's license \$27-000 \$500
- c) Filing fee for application for operator's employment permit \$ 60
- d) Filing fee for application for dispatcher's employment permit \$ 60
- e) Filing fee for application to renew operator's employment permit \$ 40
- f) Filing fee for application to renew dispatcher's employment permit \$ 40
- g) Equipment lease filing fee \$ 200
- 9) Filing fee for each property (by-listed specific address)-listed-in-contract(s) or contract summary-form - \$---00
- b)- The fees set out in subsection (a)(9) shall apply to any contract entered into on or after January 17, 1900.
- e) The fees set out in (a)(9) shall be due and payable for any property upon which a relocater has placed a sign in conformance with Subpart E7-unless proof of a contract entered into prior to January 17, 1900-can be established.

(Source: Amended at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form

- a) A Relocation Tow Record form purchased from the Commission must be completed for each relocation a relocater performs, whether or not the relocated vehicle is subsequently reclaimed. The form will consist of an original and two copies. Each form will be identified by a serial number, which will also be printed on the copies.
- b) The forms will be available only at the Commission's office at 188 Industrial Drive, Suite 232, Elmhurst, Illinois, 60126, (708)530-6700. The forms may be ordered from the Commission by sending a written request specifying the number of forms desired along with payment, or may be obtained in person during normal business hours.
- c) The price charged for the forms shall be three dollars (\$3.00) per form plus the actual cost of printing.

(Source: Added at Ill. Reg. , effective)

Section 1710.171 Use and Retention of Relocation Tow Record Forms

- a) The person to whom a relocated vehicle is released must be issued one copy of the Relocation Tow Record form completed for that vehicle.
- b) Relocators must retain the original and one copy of each completed Relocation Tow Record form for a period of three years from the date such forms are issued by the relocater. The relocater shall also retain the original and all copies of any spoiled forms or forms completed for unclaimed vehicles for a period of three years from the date such forms are spoiled or completed by the relocater.
- c) Upon demand a relocater must produce the original and copy (or copies) of any Relocation Tow Record form retained pursuant to this Section. In addition, a relocater must be able to produce any unused Relocation Tow Record forms. Failure or inability to produce the required documents, for any reason, is a violation of this Section.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- d) Blank or unused forms may not be disposed of or reproduced.

(Source: Added at Ill. Reg. , effective)

Section 1710.172 Public Notice

- a) Relocators must post the following notice at all locations at which vehicles may be reclaimed:

Notice: The Illinois Commerce Commission requires that we give a copy of our Relocation Tow Record form to you as a receipt. Please keep your copy for your records.

- b) The notice shall be in letters at least one inch high and one-quarter inch wide which shall be printed on a contrasting background. The notice shall be prominently displayed so that it may be easily seen by persons paying the charge for reclaiming their vehicles.

(Source: Added at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Telephone Assistance Program

2) Code Citation: 83 Ill. Adm. Code 757

3) Section Numbers: Proposed Action:

757.10	Amendment
757.300	New Section
757.310	New Section
757.320	New Section
757.330	New Section
757.340	New Section
757.350	New Section
757.400	New Section
757.410	New Section
757.EXHIBIT B	New Section
757.EXHIBIT C	New Section
757.EXHIBIT D	New Section

4) Statutory Authority: Implementing Section 13-301 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-301 and 10-101).

5) A Complete Description of the Subjects and Issues Involved: These amendments will implement Section 13-301 of the Act by establishing the Subscriber Line Charge Waiver Program. This program will provide on-going, monthly assistance to those qualifying low-income telephone customers in paying the monthly telephone charges.

6) Will these proposed amendments replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives? These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendments were submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 8, 1990

B) Types of small businesses affected: This rulemaking will affect those local exchange carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Periodic reporting required.

D) Types of professional skills necessary for compliance: Managerial skills.

The full text of Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 757

TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
757.10
757.15

Definitions
Dispute Procedures

SUBPART B: LEC OBLIGATIONS

Section
757.100
757.105
757.110
757.115
757.120

Service Requirement
Recovery Mechanism
Publicity
Application Procedure and Processing
Filing Requirements

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section
757.200
757.205

Eligibility
Income Certification

SUBPART D: SLCWP APPLICATIONS, ELIGIBILITY AND BENEFITS

Section
757.300
757.310
757.320
757.330
757.340
757.350

SLCWP Publicity
SLCWP Service Requirement
SLCWP Eligibility
SLCWP Application Procedure and Processing
SLCWP Income Certification
SLCWP Recertification

SUBPART E: SLCWP COST RECOVERY AND FILING REQUIREMENTS

Section
757.400
757.410

SLCWP Recovery Mechanism
SLCWP Filing Requirements

757.EXHIBIT A Reporting Form
757.EXHIBIT B SLCWP Reporting Form
757.EXHIBIT C SLCWP Recertification Ineligibility Notice
757.EXHIBIT D SLCWP Certification Card

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 13-301 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-301 and 10-101).

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at Ill. Reg. , effective

SUBPART A: DEFINITIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111-2/3, pars. 1-101 et seq.)

"Commission" means the Illinois Commerce Commission.

"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.

"Department" means the Illinois Department of Public Aid.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.320.

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.200.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LEC" means "local exchange carrier," which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 13-204).

"Link Up" means the telephone assistance program described in Subparts B and C.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Medical card" is a card issued by the Department which certifies that the holder is a participant in a proxy program.

"NECA" means the National Exchange Carrier Association, established at 47 CFR 69.601.

"Participant" is an individual receiving benefits under the Subscriber Line Charge Waiver Program.

"Program," "plan," or "Lifeline" means the telephone assistance program in which all Illinois LEC's shall participate as provided in Section 757.100.

"Proxy Program(s)" include the following assistance programs administered by the Department: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind, and Disabled (AABD); Food Stamps (FS); General Assistance (GA, city of Chicago only); Refugee/Repatriate Programs (RRA); Medical Assistance (including Aid to the Medically Indigent, excluding medical extension cases and spend down cases).

"SLCWP" or "SLC" means the Subscriber Line Charge Waiver Program in which all Illinois LEC's shall participate as provided in Section 757.310.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Waiver" means a reduction in a participant's local service exchange obligation in the amount equal to twice the established Federal subscriber line charge.

(Source: Amended at Ill. Reg. , effective)

SUBPART D: SLCWP APPLICATIONS, ELIGIBILITY AND BENEFITS

Section 757.300 SLCWP Publicity

LEC's shall publicize the SLCWP throughout their respective service territories. The publicity requirements shall be the same as those in Section 757.110.

(Source: Added at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 757.310 SLCWP Service Requirement

a) Within 90 days of the SLCWP's certification by the FCC, each LEC shall participate in the SLCWP adopted by the FCC in 47 CFR 67.701 et seq. as of August 31, 1988. This incorporation does not include any later amendments or editions.

b) Pursuant to subsection (a), the LEC's shall implement a low income assistance program consisting of a waiver equal to twice the amount of the Federal Subscriber Line Charge. The waiver shall be applicable to local exchange service charges.

c) The SLCWP waiver shall be available for one access line only, which shall be at the principal place of residence of the participant.

(Source: Added at Ill. Reg. , effective)

Section 757.320 SLCWP Eligibility

a) In order to be eligible to receive benefits under the SLCWP, an individual must be a participant in a proxy program as defined in Section 757.10 and be a subscriber of local exchange telephone service. To be eligible, an individual cannot be a dependent for income tax purposes, unless he or she is more than 60 years of age (See 26 U.S.C. 152).

b) Program benefits shall be delivered in the name of an individual receiving assistance from one of the six proxy programs defined in Section 757.10.

(Source: Added at Ill. Reg. , effective)

Section 757.330 SLCWP Application Procedure and Processing

a) The LEC's shall be responsible for processing all SLCWP applications.

b) Individuals may apply for the SLCWP by mailing a certification card to their LEC or bringing a certification card in person to an LEC service center, or may complete the applications process via the telephone.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

c) Certification cards shall be made available as follows:

1) The LEC's in cooperation with the Department shall mail all participants in one or more of the proxy programs a certification card within 90 days of FCC certification of the SLCWP. The specific manner with which the mailing shall be dispensed shall be consistent with the contractual arrangements existing between the Department and the LEC's.

2) Lifeline certification cards shall be made available at all LEC customer service centers.

(Source: Added at Ill. Reg. , effective)

Section 757.340 SLCWP Income Certification

a) An individual who receives a certification card pursuant to Section 757.330(c)(1) and who completes and returns said card to the relevant LEC, and who is subsequently confirmed to be eligible by the LEC through inquiry to facilities maintained by the Department, shall be deemed income eligible.

b) An individual who brings a completed certification card, together with a current medical card, in person to an LEC customer service center shall be deemed income-eligible for the SLCWP.

c) LEC's receiving applications via the telephone and maintaining an operational-inquiry only link to the Department shall notify individuals of their eligibility status at the time of such application.

d) In the event an applicant takes exception to the eligibility status as determined by the LEC, the LEC shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.

e) The LEC shall place an individual on the program upon determination of eligibility.

f) The LEC shall notify an individual of income eligibility within 14 days of application.

(Source: Added at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 757.350 SLCWP Recertification

Recertification of a participant's eligibility shall be conducted in the following manner:

a) LEC's shall be responsible for recertification and shall conduct recertification through inquiry to the facilities maintained by the Department.

b) Recertification shall be conducted no more than once every six months and no less than once a year.

c) If an LEC determines upon recertification that an SLCWP participant is no longer available, the LEC shall provide the participant 30 days notice prior to terminating the participant from the SLCWP. Notice of such a determination shall be provided to the applicant in writing, and shall provide the information specified in Exhibit C.

d) Recertification frequency shall be subject to ongoing evaluation. The relative frequency with which recertification shall take place shall be based on an assessment by the Commission of whether the incremental costs of recertifying more frequently than once a year exceed the incremental savings from prompt decertification of ineligible participants.

(Source: Added at Ill. Reg. , effective)

SUBPART E: SLCWP COST RECOVERY AND FILING REQUIREMENTS

Section 757.400 SLCWP Recovery Mechanism

Costs incurred as a result of providing service under Section 757.310 shall be recovered in the following manner:

a) The LEC's shall recover one-half of the waiver provided to SLCWP participants through funds provided by the NECA through the Subscriber Line Charge Waiver Assistance Program.

b) The LEC's shall recover the remaining one-half of the waiver provided to SLCWP participants through the assessment of a surcharge on all business and residential access lines existing within their respective service territories. Such recovery shall be in a manner consistent with the provisions set forth in this Part.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

c) The amount of the surcharge shall initially be established to provide for a level of funding sufficient to fully recover those costs projected to be incurred through implementation and administration of the SLCWP and Link Up program.

d) On an annual basis, an assessment shall be made of funding requirements imposed by the Link Up and the SLCWP for the purpose of adjusting the surcharge necessary to support the administration of the two programs.

e) Adjustments to the surcharge shall be based on an assessment of funding requirements as indicated by the actual expense and participation levels reported by each LEC through the SLCWP quarterly reports in the form of Exhibit B.

(Source: Added at Ill. Reg. , effective ,

Section 757.410 SLCWP Filing Requirements

a) Within two weeks from the date the SLCWP receives FCC certification, LEC's shall file with the Commission for approval pursuant to the provisions of Section 9-201 of the Act and this Part the following tariff items:

- 1) A tariff for the provision of the SLCWP waiver;
- 2) A tariff for the collection of the access line surcharge as provided for in Section 757.400.
- b) LEC's shall file, on a quarterly basis, reports containing the information specified in Exhibit B.

(Source: Added at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Section 757.EXHIBIT B SLCWP Reporting Form
Local Exchange Company:

STATUS OF THE SLCWP

FOR CALENDAR QUARTER ENDING:

A) APPLICATIONS

	<u>Month</u> <u>(a)</u>	<u>Applications</u> <u>Received</u> <u>(b)</u>
1.		
2.		
3.		
<u>Program to Date:</u>		

B) MONTHLY CHARGES WAIVED

	<u>Month</u> <u>(a)</u>	<u>Charges</u> <u>Waived</u> <u>(b)</u>
1.		
2.		
3.		
<u>Program to Date:</u>		

C) RECIPIENTS

Number of Persons Receiving SLCWP
Assistance, Program to Date:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

D) SLCWP EXPENDITURE REPORT

Quarter
Ending
Program
To Date

1. Telecommunications Expenses \$
a. Billing and Data Processing \$
b. Customer Notification and Bill Inserts \$
c. Certification Adminis- tration (LEC) \$
d. Certification Adminis- tration (DPA) \$
e. Service Representative Training and Contact Time \$
f. Other, please specify \$
TOTALS \$

Less Cost Recovery Received \$
BALANCES \$

(Source: Added at Ill. Reg. , effective)

Section 757.EXHIBIT C SLCWP Recertification Ineligibility Notice

Notice of Removal from the Subscriber Line Charge Waiver Program

Utility Name Customer
Address Address
City, State, Zip
Phone Number Account Number

You will be removed from the Subscriber Line Charge Waiver Program and no longer receive monthly credits toward your bill under that Program on or after , because the Illinois Department of Public Aid no longer shows that you are

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

receiving benefits. Households are eligible for Subscriber Line Charge Waiver Program credits if they receive benefits under one of the following programs administered by the Department of Public Aid: Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind and Disabled (AABD), Food Stamps, General Assistance (GA) in Chicago, Refugees/Repatriate Programs and some Medical Assistance recipients.

TO AVOID REMOVAL FROM THE SUBSCRIBER LINE CHARGE WAIVER PROGRAM

If you are still receiving benefits under one of the listed programs, you should then call the Department of Public Aid to check whether they have your name on the master computer list. If the Department does, you should next call (LEC Name) at (Phone #) to have your eligibility rechecked.

If you reapply for public assistance benefits and the Department grants your application before (Date), call (LEC Name) at (Phone #) to have your eligibility checked. If your application is granted by the Department after (Date), you can reapply for Subscriber Line Charge Waiver Program benefits by calling (LEC Name) at (Phone #). There will be no retroactive Subscriber Line Charge Program benefits between the time that your benefits are discontinued and the time that your reapplication is approved.

If you believe that the Department of Public Aid has improperly terminated you from one of the listed programs, you must resolve this with the Department. If your Public Aid benefits are continued while the dispute is pending, your Subscriber Line Charge Waiver Program benefits will also be continued; you should inform (LEC Name) at (Phone #) of this fact. If your Public Aid benefits are not continued while the dispute with the Department is pending, you will not receive Subscriber Line Charge Waiver Program benefits until you have won your appeal. At that time you should call (LEC Name) at (Phone #) to have future Subscriber Line Charge Waiver Program benefits credited to you. There will be no retroactive Subscriber Line Charge Program benefits between the time that your benefits are discontinued and the time that your reapplication is approved.

(Source: Added at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Section 757-EXHIBIT D SLCWP Certification Card
ILLINOIS DEPARTMENT OF PUBLIC AID
SLC CERTIFICATION FORM

NAME _____ Date Issued _____ / _____
Valid for 90 days after
date of issuance

ADDRESS _____ APARTMENT _____

CITY _____ ZIP CODE _____

COUNTY _____ AGE _____

1. Are you claimed by someone else as a dependent for federal income tax purposes?

YES ☐ NO ☐

2. Are you still a participant as of this date of application in one of the following State of Illinois Assistance Programs?

- Aid to Families with Dependent Children (AFDC)
Aid to the Aged Blind and Disabled (AABD)
Food Stamps
General Assistance (GA)
Refugee/Repatriate Programs (RRA)
Medical Assistance

YES ☐ NO ☐

SIGNED _____
DATE _____ PUBLIC AID CASE NO. _____

If you wish, you may apply by telephone or by simply contacting your local phone company. If you do not know the name of your local telephone company, or you wish to apply by mail and are unsure of where to send this application, contact the Illinois Commerce Commission at: (217)782-2024 in Springfield or (312)814-2887 in Chicago.

(Source: Added at Ill. Reg. , effective)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

- 1) Heading of Part: Advertising and Sales Promotion of Life Insurance and Annuities
- 2) Code Citation: 50 Ill. Adm. Code 909
- 3) Section Numbers Proposed Action
- | | |
|---------|-------------|
| 909.20 | Amended |
| 909.50 | Amended |
| 909.100 | New Section |
| 909.110 | Renumbered |
| 909.120 | Renumbered |
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, pars. 761, 763, 848, 849, 1033 and 1065.49 and Ill. Rev. Stat. 1987, ch. 73, par. 1013.

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this proposed rulemaking is to add a new section to the Part, to reflect recent statutory changes. Clarification of these changes requires some amending and renumbering.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 W. Washington, 4th Floor
Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1987, ch. 127, par. 1003.10.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 909

ADVERTISING AND SALES PROMOTION OF
LIFE INSURANCE AND ANNUITIES

Section	
909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Form and Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements about About an Insurer
909.90	Enforcement Procedures
909.100	Conflict-with-Other-Rates Penalties
909.110	Severability-Provision <u>Conflict with Other Rules</u>
909.120	<u>Severability Provision</u>

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 761, 763, 848, 849, 1033 and 1065.49) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at ___ Ill. Reg. ___, effective ___.

Section 909.20 Definitions

For the purpose of this Rule:

"Advertisement" for the purpose of this Rule shall not include:

communications or materials used within an insurer's own organization and not intended for dissemination to the public;

communications with policyholders other than material relating to the financial condition or relative

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

position of the insurer within the insurance industry and material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

a general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Advertisement" shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

"Insurer" shall include any organization or person which issues life insurance or annuities to residents of this State.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

"Preneed Funeral Contract or Prearrangement" shall mean an

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at Ill. Reg. , effective)

Section 909.50 Disclosure Requirements

a) The information required to be disclosed by this Rule shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

b) No advertisement shall omit material information or use words, phrases, statements, references or illustrations if such omission or such use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of the insurer, any policy benefit payable, loss covered, premium payable or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.

c) In the event an advertisement used "Non-Medical," "No Medical Examination Required" or similar terms where issue is not guaranteed, such terms shall be accompanied by a further disclosure of equal prominence and juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.

d) An advertisement shall not use as the name or title of a life insurance policy or an annuity, any phrase which does not include the words "life insurance" or "annuity" unless accompanied by other language clearly indicating it is life insurance.

e) An advertisement shall prominently include the specific title of the type of the policy being marketed and such title shall not be misleading as to the policy benefits.

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- f) An advertisement of an insurance policy marketed by the direct response techniques shall not state or imply that because there is no agent or commission included, there will be a cost saving to prospective purchasers unless such is the fact. No such cost savings may be stated or implied without justification satisfactory to the Insurance Director prior to use.
- g) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decrease or increases with age or duration, such fact shall be prominently disclosed.
- h) An advertisement for a policy with non-level premiums shall prominently describe the premium changes.
- i) Dividends
- 1) An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or tendency to mislead.
 - 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
 - 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains
 - A) what benefits or coverage would be provided at such time and
 - B) under what conditions this would occur.
- j) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or

portion of the earnings on the general account assets of the company.

k) Testimonials or Endorsements by Third Parties

- 1) Testimonials used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a testimonial the insurer makes as its own all of the statements contained therein, and such statements are subject to all the provisions of this Rule.
- 2) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement.
- 3) An advertisement shall not state or imply that an insurer or policy has been approved or endorsed by a group of individuals, society, association or other organization unless such is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer, for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.
- 1) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an advertisement shall be identified therein.
- m) Introductory, Initial or Special Offers and Enrollment Periods
- 1) An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

policies is an introductory, initial or special offer or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.

2) An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.

3) An advertisement shall not offer a policy which utilizes a reduced initial rate in a manner which overemphasizes the availability and the amount of the initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains a full rate schedule for the policy being advertised.

4) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than six months between the close of the immediately preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than ten days and not more than forty days following the date on which such enrollment period is advertised for the first time. This Rule applies to all advertising media: i.e., mail, newspapers, radio, television, magazines and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

management or control. This Rule does not apply to the use of a termination or cut-off date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations to employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Code for group or blanket insurance. In cases where an insurance product is marketed on a direct mail basis to prospective insureds by reason of some common relationship with a sponsoring organization, this Rule shall be applied separately to such sponsoring organization.

n) An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends or underwriting privileges, unless such is the fact.

o) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services or methods of marketing.

p) An advertisement for the solicitation or sale of a preneed contract or prearrangement as defined in Section 909.20 above, which is funded or to be funded by a life insurance policy or annuity contract shall adequately disclose the following:

1) the fact that a life insurance policy or annuity contract is involved or being used to fund a prearrangement as defined in Section 909.20, and

2) the nature of the relationship among the soliciting producer or producers, the provider of the funeral or cemetery merchandise or services, the administrator and any other persons.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended by Ill. Reg. , effective)

Section 909.100 Conflict-with-Other-Rules Penalties

Any insurer or any of its officers, directors, producers or employees thereof which, or who, violate any of the provisions of this regulation, or knowingly participate in or abet such violation, shall be subject to a fine up to \$1000 for each violation and/or subject to suspension or revocation of their certificate of authority or license.

(Source: Section 909.100 renumbered to Section 909.110, new Section 909.100 adopted at Ill. Reg. , effective)

Section 909.110 Conflict with Other Rules

It is not intended that this Rule conflict with or supersede any rules currently in force or subsequently adopted in this State governing specific aspects of the sale or replacement of life insurance including, but not limited to, rules dealing with life insurance cost comparison indices, deceptive practices in the sale of life insurance and replacement of life insurance policies. Consequently, no disclosure required under any such rules should be deemed to be an advertisement within the meaning of this Rule.

(Source: Section 909.110 renumbered from Section 909.100 at Ill. Reg. , effective)

Section 909.120 Severability Provision

If any Section or portion of a Section of this Rule, or the applicability thereof to any person or circumstances is held invalid by a court, the remainder of the Rule, or the applicability of such provision or circumstances, shall not be affected thereby.

(Source: Section 909.120 renumbered from Section 909.110 at Ill. Reg. , effective)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Life Insurance Solicitation
- 2) Code Citation: 50 Ill. Adm. Code 930
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
930.30	Amended
930.40	Amended
930.60	New Section
930.70	Renumbered
930.80	Renumbered
930.90	Renumbered
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, pars. 1028 et seq. and 1013.

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this proposed rulemaking is to add a new section to the Part to reflect recent statutory changes. Clarification of these changes requires some amending and renumbering.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 W. Washington, 4th Floor
Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1987, ch. 127, par. 1003.10.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND REGISTERED FIRMS

PART 930
LIFE INSURANCE SOLICITATION

Section

930.10 Authority

930.20 Purpose

930.30 Scope

930.40 Definitions

930.50 Disclosure Requirements

930.60 General-Rates Preneed Funeral Contracts or

Prearrangements

930.70 Life-Insurance-Buyer's-Guide---Language-and-Content

930.80 General Rules

930.90 Failure-to-Emply Life Insurance Buyer's Guide,

Language and Content

Exhibit A Failure to Comply

Life Insurance Buyer's Guide

AUTHORITY: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 1028 et seq. and 1013).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 177, effective July 1, 1980; codified at 7 Ill. Reg. 2364; amended at Ill. Reg. _____, effective _____, 1990.

Section 930.30 Scope

- a) Except as hereafter exempted, this Part shall apply to any solicitation, negotiation or procurement of life insurance occurring within this state. This Part shall apply to any issuer of life insurance contracts including fraternal benefit societies.
- b) Unless otherwise specifically included, this regulation shall not apply to:
- 1) Annuities.
 - 2) Credit life insurance.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 3) Group life insurance: (except for disclosures relating to preneed funeral contracts or prearrangements as provided herein. These disclosure requirements shall extend to the issuance or delivery of certificates as well as to the master policy.)
- 4) Franchise life insurance as defined in Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm. Code 1405).
- 5) Life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 et seq.).
- 6) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

Section 930.40 Definitions

For the purposes of this regulation, the following definitions shall apply:

- a) "Buyer's Guide". A Buyer's Guide is a document which contains, and is limited to, the language contained in Exhibit A prescribed by Section 930.70 930.80 of this Part.
- b) "Cash Dividend". A Cash Dividend is the current illustrated dividend which can be applied toward payment of the gross premium.
- c) "Equivalent Level Annual Dividend". The Equivalent Level Annual Dividend is calculated by applying the following steps:
 - 1) Accumulate the annual cash dividends at five percent interest compounded annually to the end of the tenth and twentieth policy years.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 2) Divide each accumulation of paragraph (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in paragraph (1) over the respective periods stipulated in paragraph (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- 3) Divide the results of paragraph (2) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Equivalent Level Annual Dividend.
- d) "Equivalent Level Death Benefit". The Equivalent Level Death Benefit of a policy or term life insurance rider is an amount calculated as follows:
 - 1) Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five per cent interest compounded annually to the end of the tenth and twentieth policy years respectively.
 - 2) Divide each accumulation of paragraph (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph (1) over the respective periods stipulated in paragraph (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- e) "Generic Name". Generic Name means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.
- f) "Life Insurance Cost Indexes".
 - 1) Life Insurance Surrender Cost Index. The Life Insurance Surrender Cost Index is calculated by applying the following steps:
 - A) Determine the guaranteed cash surrender value, if any.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- B) For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual Cash Dividends at five percent interest compounded annually to the end of the period selected and add this sum to the amount determined in paragraph A.
- C) Divide the result of paragraph (B). (paragraph (A). for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph (B). (paragraph (A). for guaranteed cost policies) over the respective periods stipulated in paragraph (A). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- D) Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in paragraph (A) and dividing the result by the respective factors stated in paragraph (C) (this amount is the annual premium payable for a level premium plan).
- E) Subtract the result of paragraph (C) from paragraph (D).
- F) Divide the result of paragraph (E) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Life Insurance Surrender Cost Index.
- 2) "Life Insurance Net Payment Cost Index". The Life Insurance Net Payment Cost Index is calculated in the same manner as the comparable Life Insurance Cost Index except that the cash surrender value and any terminal dividend are set at zero.
- 1) "Policy Summary". For the purposes of this Part, Policy Summary means a written statement describing

9)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

the elements of the policy including but not limited to:

- A) A prominently placed title as follow: STATE-MENT OF POLICY COST AND BENEFIT INFORMATION.
- B) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.
- C) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.
- D) The Generic Name of the basic policy and each rider.
- E) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which Life Insurance Cost Indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:
- i) The annual premium for the basic policy.
 - ii) The annual premium for each optional rider.
 - iii) Guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.
 - iv) Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

v) Cash Dividends payable at the end of the year with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the twentieth policy year.)

vi) Guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

F) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the Policy Summary includes the maximum annual percentage rate.

G) Life Insurance Cost Indexes for ten and twenty years but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each optional term life insurance rider. Such indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits nor for the basic policies or optional riders covering more than one life.

H) The Equivalent Level Annual Dividend, in the case of participating policies and participating optional term life insurance riders, under the same circumstances and for the same durations at which Life Insurance Cost Indexes are displayed.

I) A Policy Summary which includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed in addition to a statement in close proximity to the Equivalent Level Annual Dividend as follows: An explanation of the intended use of the Equivalent Level Annual

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Dividend is included in the Life Insurance Buyer's Guide.

J) A statement in close proximity to the Life Insurance Cost Indexes as follows: An explanation of the intended use of these indexes in the Life Insurance Buyer's Guide.

K) The date on which the Policy Summary is prepared.

2) The Policy Summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion thereof obscure. Any amounts which remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in paragraph (g)(1)(E) above shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

h) "Preneed Funeral Contract or Prearrangement". An agreement by or for an individual before that individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 930.60 General-Rules Preneed Funeral Contracts or Prearrangements

The following information shall be adequately disclosed at the time an application is made, prior to accepting the applicant's initial premium or deposit, for a preneed funeral contract or prearrangement as defined in Section 930.50(h) above which is funded or to be funded by a life insurance policy:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- a) The fact that a life insurance policy is involved or being used to fund a prearrangement,
- b) the nature of the relationship among the soliciting agent or agents, the provider of the funeral or cemetery merchandise or services, the administrator and any other person,
- c) the relationship of the life insurance policy to the funding of the prearrangement and the nature and existence of any guarantees relating to the prearrangement,
- d) the impact on the prearrangement
- 1) of any changes in the life insurance policy including but not limited to, changes in the assignment, beneficiary designation or use of the proceeds,
 - 2) of any penalties to be incurred by the policyholder as a result of failure to make premium payments,
 - 3) of any penalties to be incurred or monies to be received as a result of cancellation or surrender of the life insurance policy,
- e) a list of the merchandise and services which are applied or contracted for in the prearrangement and all relevant information concerning the price of the funeral services, including an indication that the purchase price is either guaranteed at the time of purchase or to be determined at the time of need,
- f) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy and the amount actually needed to fund the prearrangement,
- g) any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or the prearrangement guarantee,

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- h) the fact that a sales commission or other form of compensation is being paid and if so, the identity of such individuals or entities to whom it is paid.

(Source: Section 930.60 renumbered to Section 930.70, new Section 930.60 adopted at ____ Ill. Reg. ____, effective ____.)

Section 930.6070 General Rules

- a) Each insurer shall maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file shall contain one copy of each authorized form for a period of three years following the date of its last authorized use.
- b) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a life insurance agent and inform the prospective purchaser of the full name of the insurance company which he is representing to the buyer. In sales situations in which an agent is not involved, the insurer shall identify its full name.
- c) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.
- d) Any reference to policy dividends must include a statement that dividends are not guaranteed.
- e) A system or presentation which does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the cost of two or more life insurance policies. Such a system may be used for the purpose of demonstrating the cash-flow pattern of a policy if such presentation is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today.

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- f)

A presentation of benefits shall not display guaranteed and non-guaranteed benefits as a single sum unless they are shown separately in close proximity thereto.
- g)

A statement regarding the use of the Life Insurance Cost Indexes shall include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.
- h)

A Life Insurance Cost Index which reflects dividends or an Equivalent Level Annual Dividend shall be accompanied by a statement that it is based on the company's current dividend scale and is not guaranteed.
- i)

For the purposes of this Rule, the annual premium for a basic policy or rider, for which the company reserves the right to change the premium, shall be the maximum annual premium.

(Source: Section 930.70 renumbered from Section 930.60 at Ill. Reg. _____, effective _____.)

Section 930.70890 Life Insurance Buyer's Guide, Language and Content

The form requirements of the Life Insurance Buyer's Guide is to be found in Exhibit A of this Part as it appears in the Rules and Regulations of Illinois Insurance Department as prepared by the National Insurance Law Service. The reproduction of the Buyer's Guide should be as specified in Exhibit A with the one exception that the designation Exhibit A assigned by the Illinois Insurance Department should not be used.

(Source: Section 930.80 renumbered from Section 930.70 at Ill. Reg. _____, effective _____.)

Section 930.8990 Failure to Comply

Failure of an insurer to provide or deliver a Buyer's Guide, or a Policy Summary as provided in Section 930.50 shall constitute an omission which misrepresents the benefits, advantages, conditions or terms of an insurance policy.

(Source: Section 930.90 renumbered from Section 930.80 at Ill. Reg. _____, effective _____.)

NOTICE OF PROPOSED AMENDMENTS

- 1)

The Heading of the Part: Definitions and General Provisions
- 2)

Code Citation: 35 Ill. Adm. Code 211
- 3)

Section Number: 211.122
Proposed Action: Amendment
- 4)

Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111, pars. 1010 and 1027)
- 5)

A Complete Description of the Subjects and Issues Involved:

Abbott Laboratories' filed with the Pollution Control Board an Amended Petition for Rulemaking and Motion for Expedited Hearing on December 4, 1989. On December 20, 1989, the Board granted Abbott's motion for expedited proceeding insofar as it is practicable in light of the Board's current schedule and workload and directed the hearing officer to schedule hearings. Hearings have been scheduled for March 13 and 28, 1990.

So as to begin the Administrative Procedure Act rulemaking process, the Board proposed Abbott's amended proposal for first notice. However, the Board takes no position on the merits of the proposal at this time. The Board's action today is taken to effectuate the publication of the proposal in the Illinois Register.

For a description of the subjects and issues involved, the Board will set out Abbott's statement of reasons submitted with its original proposal. The Board notes that this description relates to the original proposal; however, on December 4, 1989, Abbott filed an amended proposal. It is only the amended proposal that is being published below. Although the two proposals are generally similar, the reader is advised to contact the Clerk's Office if he or she is interested in comparing the two proposals. Abbott's statement of reasons states as follows.

Abbott owns and operates two separate manufacturing plants located approximately five miles apart in Lake County, Illinois. The North Chicago site is located in the city of North Chicago, and the other site, Abbott Park, is located in an unincorporated area in Libertyville Township. Abbott's North Chicago facility occupies approximately 56 acres of land containing over 30 separate building structures. The surrounding area is mixture of residential and industrial area. The complex is devoted to fermentation facilities, hospital products manufacturing, synthetic pharmaceutical production, laboratory and pilot plant research and development, and administrative offices.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Abbott Park facility, which occupies approximately 500 acres of land, is devoted to administrative offices, laboratory research and development, diagnostic kit assembly and pharmaceutical production. It is in a mostly rural area with farmland or a tollway on all sides except to the east which is a mixture of residential and very light industrial areas.

At the North Chicago facility, Abbott manufactures both synthesized pharmaceutical products (CIG products) and fermentation-based pharmaceutical products (non-CIG products) in bulk form. Unit operations at North Chicago typically consist of reactors, liquid-liquids extractors, crystallizers, distillation columns, centrifuges, filters, vacuum blender dryers, vacuum dryers and fluidized bed air dryers. Production is typically performed in batches, with batch times for individual process steps ranging from less than one hour to as much as 48 hours.

Volatile organic materials utilized at the North Chicago plant include ethanol, methanol, isopropanol, acetone, amyl acetate and others in less significant quantities. The production and associated air pollution control equipment must be specially designed and constructed to withstand a very wide range of operating conditions, including temperature, pressure, acids, alkalis and solvents. Production is highly variable since demand is driven primarily by the worldwide health care market and by inventory maintenance requirements.

At the Abbott Park facility the final dosage forms of Abbott's pharmaceutical products are prepared from the bulk products which have been manufactured at North Chicago or purchased elsewhere. Unit operations consist of mixers, massers, granulators, blenders, air tray dryers, fluidized bed dryers, tablet coaters and a particle coater. Ethanol is the only VOM utilized in these operations which requires control.

Both of Abbott's plants are located in an area designated as nonattainment for ozone. Abbott retained ETA Incorporated to assess the environmental impact of emissions from Abbott's two plants. Mr. Jay Norco, President of ETA, testified at the September 22, 1987 hearing in R86-10, that the effect of the then-proposed rules (which required considerable greater reductions than the adopted rules) would cause only a minuscule change in ozone concentrations. In fact, if all of Abbott's present level of emissions from Abbott Park and North Chicago (131.4 tons/year) were eliminated, there would be negligible effect on regional ambient ozone levels.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SECTION BY SECTION ANALYSIS

Section 211.122: The only significant change from the present rules is that set forth in the final sentence of the definition of "Production Equipment Exhaust System." This language was originally drafted by the Agency and Abbott believes it should have been incorporated into the definition in that laboratory hoods, roof monitors and general building exhausts have very high air volumes, would emit very low levels of VOMs and would be unreasonably expensive to control. Abbott believes that the intent of this definition is simply to control those portions of the exhaust system which are directly associated with process pick-up exhaust, and laboratory hoods, roof monitors and general building exhaust do not fall within that category.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part?

Section Numbers: Proposed Action: 111. Reg. Citation:

211.122 Amended 13 111. Reg. 16257

10) Statement of Statewide Policy Objective (if applicable)?

The Board does not expect that this proposal will require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues. Therefore, the Board does not believe that this rule will create or enlarge a mandate subject to the State Mandates Act, 111. Rev. State. ch 85, Sec. 2201 et seq.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

NOTICE OF PROPOSED AMENDMENTS

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: January 22, 1990
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART B: DEFINITIONS

Section	Other Definitions
211.121	Definitions
211.122	

AUTHORITY: Implementing Sections 9 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1009, 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R88-14 at 11 Ill. Reg. _____, effective _____

SUBPART B: DEFINITIONS

Section 211.122	Definitions
-----------------	-------------

Production Equipment Exhaust System: a system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges and other process emission sources of fans and fixed or moveable ducts, pickup points and hooding, for purposes of industrial hygiene or good practice, which collects materials from openings and other operations of reactors, centrifuges, and other process emission sources, which materials are not ducted to the atmosphere through direct vents extending from the interior of the reactor, centrifuge, or process emission source. Laboratory hoods,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

roof monitors and general building exhausts shall not be considered
production equipment exhaust systems.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

<u>Section Number:</u>	<u>Proposed Action:</u>
215.102	Amendment
215.480	Amendment
215.481	Amendment
215.486	Amendment
215.487	Amendment
215.489	Amendment

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

Abbott Laboratories' filed with the Pollution Control Board an Amended Petition for Rulemaking and Motion for Expedited Hearing on December 4, 1989. On December 20, 1989, the Board granted Abbott's motion for expedited proceeding insofar as it is practicable in light of the Board's current schedule and workload and directed the hearing officer to schedule hearings. Hearings have been scheduled for March 13 and 28, 1990.

So as to begin the Administrative Procedure Act rulemaking process, the Board proposed Abbott's amended proposal for first notice. However, the Board takes no position on the merits of the proposal at this time. The Board's action today is taken to effectuate the publication of the proposal in the Illinois Register.

For a description of the subjects and issues involved, the Board will set out Abbott's statement of reasons submitted with its original proposal. The Board notes that this description relates to the original proposal; however, on December 4, 1989, Abbott filed an amended proposal. It is only the amended proposal that is being published below. Although the two proposals are generally similar, the reader is advised to contact the Clerk's Office if he or she is interested in comparing the two proposals. Abbott's statement of reasons states as follows.

Abbott owns and operates two separate manufacturing plants located approximately five miles apart in Lake County, Illinois. The North Chicago site is located in the city of North Chicago, and the other site, Abbott Park, is located in an unincorporated area in Libertyville

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Township. Abbott's North Chicago facility occupies approximately 56 acres of land containing over 30 separate building structures. The surrounding area is a mixture of residential and industrial areas. The complex is devoted to fermentation facilities, hospital products manufacturing, synthetic pharmaceutical production, laboratory and pilot plant research and development, and administrative offices.

The Abbott Park facility, which occupies approximately 500 acres of land, is devoted to administrative offices, laboratory research and development, diagnostic kit assembly and pharmaceutical production. It is in a mostly rural area with farmland or a tollway on all sides except to the east which is a mixture of residential and very light industrial areas.

At the North Chicago facility, Abbott manufactures both synthesized pharmaceutical products (CTG products) and fermentation-based pharmaceutical products (non-CTG products) in bulk form. Unit operations at North Chicago typically consist of reactors, liquid-liquids extractors, crystallizers, distillation columns, centrifuges, filters, vacuum blender dryers, vacuum dryers and fluidized bed air dryers. Production is typically performed in batches, with batch times for individual process steps ranging from less than one hour to as much as 48 hours.

Volatile organic materials utilized at the North Chicago plant include ethanol, methanol, isopropanol, acetone, amyl acetate and others in less significant quantities. The production and associated air pollution control equipment must be specially designed and constructed to withstand a very wide range of operating conditions, including temperature, pressure, acids, alkalis and solvents. Production is highly variable since demand is driven primarily by the worldwide health care market and by inventory maintenance requirements.

At the Abbott Park facility the final dosage forms of Abbott's pharmaceutical products are prepared from the bulk products which have been manufactured at North Chicago or purchased elsewhere. Unit operations consist of mixers, massers, granulators, blenders, air tray dryers, fluidized bed dryers, tablet coaters and a particle coater. Ethanol is the only VOM utilized in these operations which requires control.

Both of Abbott's plants are located in an area designated as nonattainment for ozone. Abbott retained ETA Incorporated to assess the environmental impact of emissions from Abbott's two plants. Mr. Jay Norco, President of ETA, testified at the September 22, 1987 hearing in R86-10, that the effect of the then-proposed rules (which required considerable greater reductions than the adopted rules) would cause

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

only a minuscule change in ozone concentrations. In fact, if all of Abbott's present level of emissions from Abbott Park and North Chicago (131.4 tons/year) were eliminated, there would be negligible effect on regional ambient ozone levels.

SECTION BY SECTION ANALYSIS

Section 215.102(b)(2): Abbott proposed to modify this paragraph to require use of the calculate actual vapor pressure rather than under some circumstances requiring the use of calculated pressures which are not reflective of actual vapor pressures. Abbott believes that it is fundamentally inappropriate to use vapor pressure calculations which ignore one or more mixture components, as the rule currently does. Under some circumstances, for example, the calculated pressures under the present rule would ignore the water component of the vapor which would not reflect reality.

Section 215.480: Abbott proposed the addition of air suspension coaters to the exempt sources in Section 215.480(b). Abbott believes that the Board and the Agency intended that these sources be subject to the same exemption levels for other Abbott Park sources. Abbott also has proposed additional language to ensure that those sources subject to the kg/year or tons/year exemption figure are not subject to control pursuant to the 100 lb/day limitation. Abbott believes that this language correctly expresses the intent of the Agency and the Board in R86-10 to exempt the listed sources. Abbott has proposed a new subsection 215.480(c) which exempts one source of acetylene, reactor PCB42, at its North Chicago plant from the calculation as to what constitutes more than 2.5 tons/year. Abbott has dropped its requested exemption for the two tray dryers at its North Chicago plant because Abbott has successfully modified its process to reduce emissions to less than 100 pounds/day or 2.5 tons/year. As part of the review of all of its sources, Abbott has uncovered five additional sources which are either over the 2.5 ton/year or 100 pounds/day cutoffs, and therefore subject to these RACT rules, at maximum production rates. Each source was in existence at the time of the R86-10 proceedings but was not included because the existing production forecasts showed them to be below these cutoffs. The first source is the Spectam Centrifuge which is now projected to emit a maximum of 2.9 tons/year of acetone. The centrifuge is operated under a nitrogen purge at 10°C for explosion prevention. Because of this temperature and the presence of water vapor, a scrubber would be required at an estimated installed cost of between \$50,000 to \$100,000. The remaining four sources are all located in the Erythromycin Finishing located at PC634, while current emission rates are below the cutoffs, production demands could require increases to levels above the cutoff. The first PC634 source is the succinate filter press whose maximum projected emissions of acetone would be 7.9

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

tons/year. The second PC634 source is reactor tank 37 whose maximum projected emissions of acetone would be 9.9 tons/year. Abbott believes that one scrubber could control both sources at a cost of \$100,000 for the scrubber. The third PC634 source is centrifuge number 4 whose maximum projected emissions of acetone would be 7.2 tons/year. The fourth PC634 source is tank 48 whose maximum projected emissions of acetone would be 7.1 tons/year. Abbott believes that one scrubber could control both of these sources at a cost of \$160,000. Installation costs for both scrubbers would be very high due to extensive space constraints which would require a penthouse installation on building R-6 at a cost of \$400,000 to house both scrubbers. Condensers cannot be used as the acetone water vapor mixture could cause icing to occur, which would plug the condensers. Abbott believes that the record in R86-10 clearly supports these exemptions as evidenced by the testimony of Mr. Ponder, the Agency's expert.

Section 215.481: Abbott proposes that scrubbers, incinerators or carbon absorbers may be used along with the existing listed condensers. Abbott proposes that if such control systems are used, they shall have at least an 81 percent overall efficiency. The proposal provides flexibility for choosing alternative control systems. This is necessary where, for example, the gas stream contains water vapor and use of the prescribed condenser would result in icing, thus preventing the condenser from operating properly and causing malfunctioning of the process.

Section 215.486: The correct name for the equipment regulated is "pan coater" as there is not such item of equipment called a "capsule coater".

Section 215.487: Abbott proposes to amend this section to allow emission calculations to be made consistent with U.S. EPA procedures described in the CTG for synthetic pharmaceutical manufacturing rather than requiring stack testing. Stack testing costs are very high and in most instances the calculations should be sufficient. The Agency has the authority to require such testing where necessary.

Section 215.489: Abbott proposed to amend the compliance date to December 31, 1991, which is consistent with Abbott's variance request. This date is premised upon a decision in this matter being made within two years of the date of filing and, if additional controls are required of Abbott, approximately 18 additional months to install those controls.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Yes _____ No X

If "yes," please specify the date: _____

8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes.

9) Are there any other amendments pending on this Part? Section Numbers: Proposed Action: Ill. Reg. Citation:

215.102	Amendment	13 Ill. Reg. 16645
215.104	Amended	13 Ill. Reg. 15551
215.104	Amended	13 Ill. Reg. 15249
215.104	Amendment	13 Ill. Reg. 16645
215.105	New Section	13 Ill. Reg. 15551
215.105	Amendment	13 Ill. Reg. 15249
215.105	Amendment	13 Ill. Reg. 16645
215.122	Amendment	13 Ill. Reg. 16645
215.123	Amendment	13 Ill. Reg. 19081
215.124	Amendment	13 Ill. Reg. 16645
215.127	New Section	13 Ill. Reg. 16645
215.128	New Section	13 Ill. Reg. 16645
215.181	Amendment	13 Ill. Reg. 16645
215.206	Amended	13 Ill. Reg. 12384
215.206	Amendment	13 Ill. Reg. 16645
215.208	Amendment	13 Ill. Reg. 16645
215.211	Amendment	13 Ill. Reg. 16645
215.241	Amendment	13 Ill. Reg. 16645
215.404	Repealed	13 Ill. Reg. 16645
215.409	New Section	13 Ill. Reg. 16645
215.410	New Section	13 Ill. Reg. 16645
215.421	Amendment	13 Ill. Reg. 16645
215.432	Amendment	13 Ill. Reg. 16645
215.445	Amendment	13 Ill. Reg. 16645
215.447	Amendment	13 Ill. Reg. 16645
215.464	Amendment	13 Ill. Reg. 16645
215.467	New Section	13 Ill. Reg. 16645
215.581	Amendment	13 Ill. Reg. 16645
215.582	Amendment	13 Ill. Reg. 16645
215.584	Amendment	13 Ill. Reg. 16645
215.585	New Section	13 Ill. Reg. 15551
215.585	New Section	13 Ill. Reg. 16645
215.601	Amendment	13 Ill. Reg. 16645
215.602	Amendment	13 Ill. Reg. 16645
215.603	Amendment	13 Ill. Reg. 16645
215.606	Repealed	13 Ill. Reg. 16645

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
215.100
215.101
215.102
215.103
215.104
215.105
215.106
215.107

Introduction
Clean-up and Disposal Operations
Testing Methods
Abbreviations and Conversion Factors
Definitions
Incorporations by Reference
Afterburners
Determination of Applicability

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
215.480
215.481
215.482

Applicability of Subpart T
Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
Control of Air Dryers, Production Equipment Exhaust Systems and Filters
Material Storage and Transfer
In-Process Tanks
Leaks
Other Emission Sources
Testing
Monitors for Air Pollution Control Equipment
Compliance Schedule

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111½ pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 111. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 111. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 111. Reg. 1244,

NOTICE OF PROPOSED AMENDMENTS

215.610 Amendment 13 111. Reg. 16645
215.614 New Section 13 111. Reg. 16645
215.615 New Section 13 111. Reg. 16645
215.620 Amendment 13 111. Reg. 16645
215.626 New Section 13 111. Reg. 16645
215.636 Amendment 13 111. Reg. 16645
215.886 Amendment 13 111. Reg. 16645
215.920 Amendment 13 111. Reg. 16645
215.926 Amendment 13 111. Reg. 16645
215.928 New Section 13 111. Reg. 16645
215.929 New Section 13 111. Reg. 16645
215.940 Amendment 13 111. Reg. 16645
215.946 Amendment 13 111. Reg. 16645
215.948 New Section 13 111. Reg. 16645
215.960 Amendment 13 111. Reg. 16645
215.966 Amendment 13 111. Reg. 16645
215.968 New Section 13 111. Reg. 16645

10) Statement of Statewide Policy Objective (if applicable)?

The Board does not expect that this proposal will require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues. Therefore, the Board does not believe that this rule will create or enlarge a mandate subject to the State Mandates Act, 111. Rev. State. ch 85, Sec. 2201 et seq.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: January 22, 1990
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989, amended in R88-14 at 13 Ill. Reg. _____, effective _____.

Section 215.102 Testing Methods

a) The total organic material concentrations in an effluent stream shall be measured by a flame ionization detector, or by other methods approved by the Illinois Environmental Protection Agency (Agency), according to the provisions of 35 Ill. Adm. Code 201.

b) Measurement of Vapor Pressures

1) For a single-component, the actual vapor pressure shall be determined by ASTM (American Society of Testing and Materials) Method D-2879-83 (Approved 1983), incorporated by reference in Section 215.105, or the vapor pressure may be obtained from a published source such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973), Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984), CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87), Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

2) For a mixture, the actual vapor pressure shall be determined by ASTM (American Society of Testing and Materials) Method D-2879-83 (Approved 1983), incorporated by reference in Section 215.105, or the vapor pressure may be taken as either:

A) If the vapor pressure of the volatile organic liquid is specified in the applicable rule, the lesser of the sum of the actual vapor pressure of each component or each volatile organic material component, as determined in

accordance with 215.102(b)(1), weighted by its mole fraction excluding water; or

B) If the vapor pressure of the organic material or volatile organic material is specified in the applicable rule, the sum of the actual vapor pressure of each such component as determined in accordance with 215.102(b)(1) weighted by its mole fraction, excluding water.

(Source: Amended at 111. Reg. _____, effective _____)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section 215.480 Applicability of Subpart T

a) The rules of this Subpart, except for Sections 215.483 through 215.485, apply to all emission sources of volatile organic material, including but not limited to reactors, distillation units, dryers, storage tanks for volatile organic liquids, equipment for the transfer of volatile organic liquids, filters, crystallizers, washers, laboratory hoods, coating operations, mixing operations, centrifuges and air suspension coaters used in manufacturing, including packaging, of pharmaceuticals, and emitting more than 6.8 kg/day (15 lbs/day) of volatile organic material and more than 2268 kg/year (2.5 tons/year) of volatile organic material, or, if less than 2.5 tons/year, these sections still apply if emissions from any single source exceed 45.4 kg/day (100 lbs/day) except as to those emission sources subject to the exemptions contained in subsections 215.480(b) and (c).

b) The following emissions shall be excluded from a determination of what constitutes more than 2268 kg/year (2.5 tons/year) of VOM for the purposes of subsection (a) above: not more than 4535 kg/year (5.0 tons/year) of volatile organic material from each fluid bed dryer, or each tunnel dryer, or air suspension coaters, and not more than 6803 kg/year (7.5 tons/year) of VOM from each Accelacota. For purposes of this exclusion the 4535 kg/year (5.0 tons/year) limitation on the eight tunnel dryers shall be calculated by adding the total emissions from the eight dryers and dividing by eight. This subsection shall apply only to fluid bed dryers, tunnel dryers and Accelacotas located in Libertyville Township, Lake County, Illinois, and only when such emissions are not vented to air pollution control equipment.

c) The following emissions shall be excluded from a determination of what constitutes more than 2268 kg/year (2.5 tons/year) of VOM for the purposes of subsection (a) above: not more than 4535 kg/year

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(5.0 tons/year) of acetylene from reactor PC842 and not more than 4535 kg/year (5.0 tons/year) of acetone from each of the following: Spectam Centrifuge, Succinate Filter Press, Reactor-Tank 37, Centrifuge Number 4 and Tank 48. This subsection shall apply only to reactor PC842, Spectam Centrifuge, Succinate Filter Press, Reactor-Tank 37, Centrifuge Number 4 and Tank 48 located in Shields Township, Lake County, Illinois.

d)e) Sections 215.483 through 215.485 apply to a plant having one or more emission sources that:

- 1) are used to manufacture pharmaceuticals; and
- 2) emit more than 6.8 kg/day (15 lbs/day) of volatile organic material and more than 2268 kg/year (2.5 tons/year) of volatile organic material, or, if less than 2.5 tons/year, these sections still apply if emissions from one or more sources exceed 45.4 kg/day (100 lbs/day).

e)d) No person shall violate any condition in a permit when the condition results in exclusion of an emission source from this Part 215, Subpart I.

(Source: Amended at __ Ill. Reg. ____, effective ____)

Section 215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers

a) The owner or operator shall equip all reactors, distillation units, crystallizers, centrifuges and vacuum dryers that are used to manufacture pharmaceuticals with surface condensers, scrubbers, incinerators or carbon adsorbers. operated such that the condenser outlet gas temperature does not exceed:

1) If a surface condenser is used, it shall be operated such that the condenser outlet gas temperature does not exceed:

A)1) 248.2°K (-13°F) when condensing volatile organic material of vapor pressure greater than 40.0 kPa (5.8 psi) at 294.3°K (70°F); or

B)2) 258.2°K (5°F) when condensing volatile organic material of vapor pressure greater than 20.0 kPa (2.9 psi) at 294.3°K (70°F); or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C)3) 273.2°K (32°F) when condensing volatile organic material of vapor pressure greater than 10.0 kPa (1.5 psi) at 294.3°K (70°F); or

D)4) 283.2°K (50°F) when condensing volatile organic material of vapor pressure greater than 7.0 kPa (1.0 psi) at 294.3°K (70°F); or

E)5) 298.2°K (77°F) when condensing volatile organic material of vapor pressure greater than 3.45 kPa (0.5 psi) at 294.3°K (70°F).

2) If a scrubber, incinerator or carbon adsorber is used it shall be operated in a manner which reduces by 81 percent or more the volatile organic materials that would otherwise be emitted to the atmosphere.

b) The owner or operator shall enclose all centrifuges used to manufacture pharmaceuticals and that have an exposed volatile organic liquid surface, where the volatile organic material in the volatile organic liquid has a vapor pressure of 3.45 kPa (0.5 psi) or more at 294.3°K (70°F).

(Source: Amended at __ Ill. Reg. ____, effective ____)

Section 215.486 Other Emission Sources

The owner or operator of a washer, laboratory hood, capsule pan coating operation, mixing operation, or any other process emission source not subject to Section 215.481 through 215.485 of this Subpart, and used to manufacture pharmaceuticals shall control the emissions of volatile organic material from such emission sources by:

a) Air pollution control equipment which reduces by 81 percent or more the volatile organic material that would otherwise be emitted to the atmosphere, or

b) A surface condenser which captures all the volatile organic material which would otherwise be emitted to the atmosphere and which meets the requirements of Section 215.481(a) of this Subpart.

(Source: Amended at __ Ill. Reg. ____, effective ____)

Section 215.487 Testing

a) The owner or operator of any volatile organic material emission source subject to this Subpart shall, at his own expense, demonstrate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

compliance to the Agency by methods or procedures listed in Section 215.487(c).

- b) All tests pursuant to Section 215.487(a) shall be performed in conformance with the procedures set forth in 35 Ill. Adm. Code 283.
- c) Test procedures to determine operation and maintenance compliance with this Subpart shall be consistent with EPA-450/2-78-041, incorporated by reference in Section 215.105. Procedures for testing air pollution control equipment to determine compliance with this Subpart shall use Part 230, Appendix A Method 25 (40 CFR 60, Appendix A Method 25), material balances, or Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B (EPA-450/2-78-029) incorporated by reference in Section 215.105.

(Source: Amended at ___ Ill. Reg. ____, effective ____)

Section 215.489 Compliance Schedule

- a) The owner or operator of an emission source subject to this Subpart, the construction or modification of which has commenced prior to April 15, 1988 June 30, 1990, must complete on-site construction or installation of the emission control or process equipment, or both, so as to operate in compliance with this Subpart by April 15, 1989 December 31, 1991.

- b) The owner and operator of any emission source subject to this Subpart, the construction or modification of which has not commenced prior to April 15, 1988 June 30, 1990, shall construct such source so that it will operate in compliance with this Subpart.

(Source: Amended at ___ Ill. Reg. ____, effective ____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 105
- 3) Section Number: 105.102
Proposed Action: Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 1026.
- 5) A Complete Description of the Subjects and Issues Involved:

This matter arises on the Board's own motion. Recently, the appellate court interpretations of a Board regulation have been different than the Board's interpretation of that regulation. To ensure the Board's objective is secured, the Board proposes to amend that regulatory language to more clearly reflect the Board's present intentions.

The regulation at issue, 35 Ill. Adm. Code 105.102(b)(8) provides for de novo hearings on disputed issues of fact in NPDES permit appeals. The Second District, in Dean Foods Company v. PCB, 143 Ill. App. 3d 322, 492 N.E. 2d 1344 (Second District, 1986) held the "de novo" required the Board to entertain facts not before the Agency in its permit review. In City of East Moline v. Illinois Environmental Protection Agency, PCB 86-218 (September 8, 1988), the Board reevaluated the regulation and held that "de novo" meant a "new and fresh" look at the facts before the Agency and a decision that did not grant deference to the prior Agency decision. The Board felt that allowing new information to be introduced, information that was not before the Agency, would make this Board the permit issuing entity in Illinois in contravention of Section 39(a) of the Environmental Protection Act and Village of Hillside v. John Sexton Sand & Gravel Company, 105 Ill. App. 3d 533, 434 N.E. 2d 382 (First District, 1982).

The Board's interpretation appears to be at least partially at odds with two cases very recently decided by the Appellate Courts, City of East Moline v. PCB, 188 Ill. App. 3d 349, 544 N.E. 2d 82 (Third District, 1989), and Citizens Utilities v. PCB, 111 Ill. App. 3d ____, N.E.2d ____ (Third District, Slip Opinion January 5, 1990).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board intends to correct this discrepancy in interpretation by proposing to amend the regulatory language to more clearly reflect the Board's intentions.

The authorization of Section 26 of the Act allows the Board to adopt procedural rules pursuant to the Administrative Procedures Act ("APA"). The Board intends to follow the procedures of Section 5.01 of the APA by allowing comment for at least 45 days after first notice publication in the Illinois Register. Because of the limited scope of the proposed amendments, the Board does not intend to initiate hearings in this matter. Interested persons are requested to provide all comments in written format to the Clerk of the Board.

The Board's intention in this proceeding is to make the NPDES permit appeal process function in the same manner as the appeal of all other Agency issued permits. In those other circumstances the Board gives no deference to the Agency's decision, but neither does the Board allow a hearing based on totally new factual material not previously before the Agency. The Board believes implementation of this concept can be accomplished in NPDES permit appeals by including the language, "The decision of the Board shall be based exclusively on the record before the Agency including the record of hearing, if any." This language, as well as the burden of proof language, is found with minor semantic differences in Section 40 (b),(c), and (d) of the Act governing permit appeals. This proceeding is not intended to make any changes in the manner in which other non-NPDES permit appeal proceedings are conducted.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date: _____

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

Section Numbers: Proposed Action: Ill. Reg. Citation:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objective (if applicable)? The Board is proposing a new procedural rule amendment which would apply to all persons who participate in NPDES permit appeal proceedings before the Board. The Board does not believe that this proposed amendment will impose additional expenditures on units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of its publication in the Illinois Register. Comments should refer to Docket R90-8 and be addressed to Ms. Dorothy M. Gunn, Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 9, 1990.

B) Types of small businesses affected:
The proposed amendment is a procedural rule which would govern all persons who participate in NPDES permit appeal proceedings. To the extent that small businesses may participate in regulatory proceedings, this rule will affect those small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
The proposed amendment prescribes various procedural requirements for participants in NPDES permit appeal proceedings. However, the proposed amendment does not impose any reporting, bookkeeping or other procedural requirements on persons who are not participating in such a proceeding.

D) Types of professional skills necessary for compliance:
The proposed amendment involves merely procedural requirements which would not necessitate professional skills for compliance.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE A: GENERAL PROVISIONS
 CHAPTER I: POLLUTION CONTROL BOARD

PART 105
 PERMITS

Section
 105.101
 105.102
 105.103
 105.104

Setting Standards
 Permit Appeals
 Permit Review
 Cost of Review

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Authorized by Section 26 of the Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, par. 1026) and implementing Sections 5, 39, 40 and 40.1 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, pars. 1005, 1039, 1040 and 1040.1, as amended by P.A. 82-682).

SOURCE: Filed with Secretary of State January 1, 1978; amended 4 Ill. Reg. 52, page 41, effective December 11, 1980; codified 6 Ill. Reg. 8357; amended in R90-8 at 14 Ill. Reg. _____, effective _____.

Section 105.102 Permit Appeals

a) Permit Appeals Other than NPDES (National Pollutant Discharge Elimination System) Permit Appeals:

1) If the Agency denies the permit, it shall advise the permit applicant in writing in accordance with the requirements of Section 39(a) of the Environmental Protection Act (Act).

2) In the case of a denial of a permit or issuance by the Agency of a permit with one or more conditions or limitations to which an applicant objects, an applicant who seeks to appeal the Agency decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision. The petition shall include:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) Citation of the particular standards under which a permit is sought;

B) A complete and precise description of the facility, equipment, vehicle, vessel, or aircraft for which a permit is sought, including its location;

C) A complete description of contaminant emissions and of proposed methods for their control; and

D) Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the regulations.

3) The method of filing service shall be in accordance with Sections 103.122 and 103.123.

4) The Agency shall appear as respondent in the hearing and shall, within 14 days, upon notice of the petition, file with the Board the entire Agency record of the permit application, including:

A) The application;

B) Correspondence with the applicant; and

C) The denial.

5) The Clerk shall give notice of the petition and hearing in accordance with Part 103.

6) The proceedings shall be in accordance with the rules set forth in Part 103.

b) NPDES Permit Appeals:

1) If the Agency denies an NPDES Permit, it shall advise the permit applicant in writing in accordance with the requirements of Section 39(a) of the Act.

2) In the case of the denial of an NPDES Permit or the issuance by the Agency of an NPDES Permit with one or more conditions or limitations to which the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

applicant objects, the applicant may contest the decision of the Agency by filing with the Clerk of the Board a petition for review of the Agency's action in accordance with this Section.

- 3) Any person other than the applicant who has been a party to or participant at an Agency hearing with respect to the issuance or denial of an NPDES Permit by the Agency, or any person who requested such a hearing in accordance with applicable rules, may contest the final decision of the Agency by filing with the Clerk a petition for review of the Agency's action.
- 4) The petition shall be filed and notice issued within 30 days from the date the Agency's final decision has been mailed to the applicant and all other persons who have right of appeal. The method of filing and service shall be in accordance with Sections 103.122 and 103.123.
- 5) The Agency shall appear as respondent and shall file an answer consisting of the hearing file of any hearing which may have been held before the Agency, including any exhibits, and the following documents: NPDES Permit application, NPDES Permit denial or issuance letter, and all correspondence with the applicant concerning the application.
- 6) All parties other than the petitioner who were parties to or participants at any Agency hearing shall be made respondents.
- 7) The petition shall contain a statement of the decision or part thereof to be reviewed. The Board upon motion of any respondent shall, or upon its own motion may, require of the petitioner a specification of the errors upon which the petitioner relies in his petition.
- 8) The hearings before the Board shall extend to all questions of law and fact presented by the entire record. The Agency's findings and conclusions on questions of fact shall be prima facie true and correct. If the Agency's conclusions of fact are disputed by the party or if issues of fact are raised in the review proceeding, the Board may make

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

its own determination of fact based on the record. If any party desires to introduce evidence before the board with respect to any disputed issue of fact, the Board shall conduct a de novo hearing and receive evidence with respect to such issue of fact. In a permit appeal proceeding, the burden of proof shall be on the petitioner. It shall be the duty of the petitioner, at hearing, to prove for each and every material fact that its permit application, as submitted to the Agency, establishes that the facility will not cause a violation of the Act or Board regulations. If conditions are challenged, the petitioner must prove that they are not necessary to accomplish the purposes of the Act and therefore, were imposed unreasonably. The decision of the Board shall be based exclusively on the record before the Agency including the record of the Agency hearing, if any.

- 9) This proceeding shall be in accordance with Part 103.
- 10) The order of the Board entered pursuant to hearing may affirm or reverse the decision of the Agency, in whole or in part, may remand the proceeding to the Agency for the taking of further evidence, or may direct the issuance of the permit in such form as it deems just, based upon the law and the evidence.

(Source: Amended Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Underground Storage Tanks
- 2) Code Citation: 35 Ill. Adm. Code 731
- 3) Section Numbers:
731.200
Proposed Action:
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 111 1/2, pars. 1022.4 and 1027, and Section 22.13(d) of the Environmental Protection Act, as amended by "An Act in relation to the underground storage of fuel and taxes on fuel", P.A. 86-125 and P.A. 86-958.
- 5) A Complete Description of the Subjects and Issues Involved:
A complete description is contained in the Board's Proposed Opinion and Order of January 26, 1990, in R89-19, which Opinion and Order is available from the address below. Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking implements Section 22.13(d) of the Environmental Protection Act, as adopted in P.A. 86-125 and 86-958. It allows the use of the Underground Storage Tank Fund to meet the financial responsibility requirement of 35 Ill. Adm. Code 731.193. That Section requires an owner or operator of a UST to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from operation of petroleum UST's.

40 CFR 280.101(d) requires the State to issue "a letter or certificate describing the nature of the state's assumption of responsibility". Proposed Section 731.200(b) requires the owner or operator to apply to the Office of the State Fire Marshal for such certificate.

P.A. 86-125 requires the owner or operator to have private insurance for the amount of the deductible under the UST Fund. Proposed Section 731.200(g) allows the owner or operator to use any of the mechanisms specified in 35 Ill. Adm. Code 731. Subpart G to meet this requirement. These mechanisms include self-insurance under 35 Ill. Adm. Code 731.195.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date?: No.

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes. R89-10:

Section Numbers	Proposed Action	Illinois Register Citation
731.191	Amendment	January 5, 1990; 14 Ill. Reg. 153
731.193	Amendment	January 5, 1990; 14 Ill. Reg. 153
731.203	Amendment	January 5, 1990; 14 Ill. Reg. 153
Appendix A	Amendment	January 5, 1990; 14 Ill. Reg. 153
- 10) Statement of Statewide Policy Objectives:
This rulemaking is mandated by 22.13(d) of the Environmental Protection Act. This rulemaking allows units of local government which own or operate underground storage tanks which contain petroleum to use the UST Fund to meet the financial responsibility requirement.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-19 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 26, 1990
 - B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which own or operate underground storage tanks which contain petroleum. The rules indirectly affect small businesses which sell private insurance for UST's.
 - C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules require extensive reporting, bookkeeping and other procedures, including notification of the existence of tanks, monitoring for leaks, reporting of suspected leaks, preparation of corrective action plans and maintenance of repair records. The

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposed amendments require owners or operators of UST's to obtain a certificate of coverage from the Office of the State Fire Marshal.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules may require the services of an attorney, certified public accountant and registered professional engineer with training in corrosion protection and hydrogeology. Compliance with the amendments should not require additional skills.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731

UNDERGROUND STORAGE TANKS

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section
731.101
731.102
731.103
731.110
731.111
731.112
731.113
731.114

Definitions and exemptions (Repealed)
Interim prohibitions (Repealed)
Notification Requirements (Repealed)
Applicability
Interim Prohibition for Deferred Systems
Definitions
Incorporations by Reference
Implementing Agency

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section
731.120
731.121
731.122

Performance Standards for New Systems
Upgrading of Existing Systems
Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section
731.130
731.131
731.132
731.133
731.134

Spill and Overfill Control
Operation and Maintenance of Corrosion Protection
Compatibility
Repairs Allowed
Reporting and Recordkeeping

SUBPART D: RELEASE DETECTION

Section
731.140
731.141
731.142
731.143
731.144
731.145

General Requirements for all Systems
Petroleum Systems
Hazardous Substance Systems
Tanks
Piping
Recordkeeping

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section
731.150
731.151
731.152
731.153

Reporting of Suspected Releases
Investigation due to Off-site Impacts
Release Investigation and Confirmation
Reporting and Cleanup of Spills and Overfills

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section
731.160 General
731.161 Initial Response
731.162 Initial Abatement Measures and Site Check
731.163 Initial Site Characterization
731.164 Free Product Removal
731.165 Investigations for Soil and Groundwater Cleanup
731.166 Corrective Action Plan
731.167 Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section
731.170 Temporary Closure
731.171 Permanent Closure and Changes-in-Service
731.172 Assessing Site at Closure or Change-in-Service
731.173 Previously Closed Systems
731.174 Closure Records

SUBPART H: FINANCIAL RESPONSIBILITY

Section
731.190 Applicability
731.191 Compliance Dates
731.192 Definitions
731.193 Amount and Scope of Required Financial Responsibility
731.194 Allowable Mechanisms and Combinations
731.195 Financial Test of Self-insurance
731.196 Guarantee
731.197 Insurance or Risk Retention Group Coverage
731.198 Surety Bond
731.199 Letter of Credit
731.200 UST State Fund
731.201 ~~Trust Fund~~
731.202 Standby Trust Fund
731.203 Substitution of Mechanisms
731.204 Cancellation or Nonrenewal by Provider
731.205 Reporting
731.206 Recordkeeping
731.207 Drawing on Financial Assurance
731.208 Release from Financial Assurance Requirement
731.209 Bankruptcy or other Incapacity
731.210 Replenishment
731.211 Incorporation by reference (Repealed)
731.900 Compliance Date (Repealed)
731.901

Appendix A Notification Form

AUTHORITY: Implementing Section 22.4(d) and authorized by Section 27 of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Environmental Protection Act (Ill. Rev. Stat. 1988 Supp. ch. 111 1/2, pars. 1022.4(d) and 1027), and Section 22.13(d) of the Environmental Protection Act, as amended by "An Act in relation to the underground storage of fuel and taxes on fuel", P.A. 86-125 and P.A. 86-958.

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. , effective ; amended in R89-19 at 14 Ill. Reg. , effective .

BOARD NOTE: Capitalization denotes language which quotes or paraphrases a statute.

SUBPART H: FINANCIAL RESPONSIBILITY

Section 731.200 UST State Fund

- a) Section 22.13 of the Act creates the Underground Storage Tank Fund (Fund). THE FUND IS INTENDED TO BE A STATE FUND BY WHICH PERSONS WHO QUALIFY FOR ACCESS TO THE FUND IN THE EVENT OF A RELEASE MAY SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS UNDER THIS PART. (Section 22.13 of the Act.)
- b) An owner or operator may apply to the Fire Marshal for a certificate of coverage, on forms provided by the Fire Marshal.
- c) If the Fire Marshal determines that the owner or operator would be entitled to receive funds from the Fund in the event of a release, shall issue a certificate of coverage. The certificate must specify:
 - 1) Name of the owner or operator;
 - 2) Name and address of the facility;
 - 3) The amount of funds for corrective action or compensating third parties which is assured by the Fund;
 - 4) The effective date and expiration date of the certificate;
- d) Certificates are valid for no longer than one year.
- e) The owner or operator shall reapply for a new certificate no less than 60 days prior to expiration of the old certificate.
- f) An owner or operator with a certificate is deemed in compliance with the requirements of this Subpart with respect to the facility listed in the certificate.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- g) Owners or operators may use any financial assurance mechanism or combination of mechanisms meeting the requirements of the other Sections of this Subpart to meet the Fund requirement that they have insurance for the deductible.
- h) The owner or operator may appeal the refusal to issue a certificate or the issuance of a certificate subject to conditions pursuant to 35 Ill. Adm. Code 105.
- i) IF THE AGENCY REFUSES TO REIMBURSE OR AUTHORIZES ONLY A PARTIAL REIMBURSEMENT, THE AFFECTED OWNER OR OPERATOR MAY PETITION THE BOARD FOR A HEARING pursuant to 35 Ill. Adm. Code 105. (Section 22.18b(g) of the Act).

(Source: Added at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Proposed Action:
112.9 Amendment
- 4) Statutory Authority: Sections 4-1, 4-2, 11-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1, 4-2, 11-5 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places into rule specific time frames for the return of information necessary to determine an individual's eligibility for assistance under the Aid to Families With Dependent Children Program.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.138	New Section	December 1, 1989 (13 Ill. Reg. 18833)
112.154	Amendment	December 8, 1989 (13 Ill. Reg. 19117)
112.300	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.303	Amendment	December 1, 1989 (13 Ill. Reg. 18833)
112.304	Amendment	January 12, 1990 (14 Ill. Reg. 538)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered and Amended	January 19, 1990 (14 Ill. Reg. 1123)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	Description of the Assistance Program
112.70	Registration Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Full Assessment Process/Development of an Employment Plan
112.76	Project Chance Orientation
112.77	Illinois Work Experience Program Evaluation Project (Renumbered)
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
 112.81 Responsible Relative Eligibility For Project Chance
 112.82 Project Chance Supportive Services
 112.83 Employment Child Care
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent, Parent or Legal Guardian
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Restrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 112.315 Young Parent Program
 112.320 Redetermination of Eligibility
 112.330 Six Month Extension of Medical Assistance Due to Increased Income From Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective February 13, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.9 Client Cooperation (Cont'd.)

d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d)f) During the application process, when the applicant is requested to provide third party information and has not requested the third party information and/or cannot provide written verification of the request for third party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.9 Client Cooperation (Cont'd.)

applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3+4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective February 13, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:
113.9 Amendment
- 4) Statutory Authority: Sections 3-1, 3-2, 3-5 11-15 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1, 3-2, 3-5 11-15 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places into rule specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the Aid to the Aged, Blind or Disabled Program.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.154	Amendment	December 8, 1989 (13 Ill. Reg. 19130)
113.155	New Section	December 8, 1989 (13 Ill. Reg. 19130)
113.253	Amendment	January 5, 1990 (14 Ill. Reg. 163)
113.260	Amendment	January 5, 1990 (14 Ill. Reg. 163)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.
- The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earnmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income
113.109 Earned Income
113.110 Budgeting Earned Income
113.111 Protected Income
113.112 Earned Income
113.113 Budgeting Earned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989
113.155 Property Transfers For Applications Filed On Or After October 1, 1989
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases

Section
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January

2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11547, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 867, effective December 14, 1987; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

- 1) in the determination of eligibility;
- 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
- 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants are to be informed, in writing of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d)(f) During the application process, when the applicant is requested to provide third-party information and has not requested the third-party information and/or cannot provide written verification of the request for third-party information by the last day of the time period on the information request form, the application

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 113.9 Client Cooperation (Cont'd)

shall be denied on the following work-day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3+4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 113.9 Client Cooperation (Cont'd)

evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENT

Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

- 1) The Heading of the Part: GENERAL ASSISTANCE
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: Proposed Action: Amendment 114.9
- 4) Statutory Authority: Section 6-1, 6-2, 11-15 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-1, 6-2, 11-15 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places into rule specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the General Assistance Program.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this Proposed Amendment contain incorporations by reference?
- 9) Are there any other Proposed Amendments pending on this Part? Yes ☐ No ☐

Section Numbers	Proposed Action	Illinois Register Citation
114.130	Amendment	October 27, 1989 (13 Ill. Reg. 16691)
114.270	Amendment	December 8, 1989 (13 Ill. Reg. 19146)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training programs
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PROJECT CHANCE

Section	
114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earned Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

Section 114.240 114.241 114.242 114.243 114.244 114.245	Income From Work/Study/Training Program (Repealed)	amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;
	Earned Income From Self-Employment	peremptory amendment at 2 Ill. Reg. 46, p. 56, effective
	Earned Income From Roomer and Boarder	November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41,
	Earned Income From Rental Property	effective April 9, 1979, for a maximum of 150 days; emergency
	Earned Income In-Kind	amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979,
	Payments from the Illinois Department of Children	for a maximum of 150 days; amended at 3 Ill. 33, p. 399,
	and Family Services	effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415,
114.246 114.247	Budgeting Earned Income For Contractual Employees	effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243,
	Budgeting Earned Income For Non-contractual School	effective September 21, 1979, peremptory amendment at 3 Ill.
	Employees	Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill.
	Assets	Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill.
114.250 114.251 114.252	Exempt Assets	Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.
	Asset Disregards	Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill.
	Deferral of Consideration of Assets (Repealed)	Reg. 48, p. 1, effective November 15, 1979; peremptory
	Property Transfers	amendment at 4 Ill. Reg. 9, p. 259, effective February 22,
114.270 114.280	Supplemental Payments	1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25,
		1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10,
		1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24,
Section 114.350 114.351 114.352 114.353	SUBPART F: PAYMENT AMOUNTS	
	Payment Levels for General Assistance	1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective
	Payment Levels in Group I Counties	July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg.
	Payment Levels in Group II Counties	37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg.
	Payment Levels in Group III Counties	45, p. 800, effective September 2, 1980; amended at 4 Ill. Reg.
		766, effective January 2, 1981; amended at 5 Ill. Reg. 1134,
		effective January 26, 1981; peremptory amendment at 5 Ill. Reg.
		5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071,
		effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective
		June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27,
Section 114.400 114.401 114.402 114.403 114.404 114.405 114.420 114.430	SUBPART G: OTHER PROVISIONS	
	Persons Who May Be Included In the Assistance Unit	1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;
	Eligibility of Strikers	peremptory amendment at 5 Ill. Reg. 8106, effective August 1,
	Special Needs Authorizations	1981; peremptory amendment at 5 Ill. Reg. 10062, effective
	Institutional Status	October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079,
	Retrospective Budgeting	effective October 1, 1981; peremptory amendment at 5 Ill. Reg.
	Budgeting Schedule	10095, effective October 1, 1981; peremptory amendment at 5
	Redetermination of Eligibility	Ill. Reg. 10113, effective October 1, 1981; peremptory
	Six Month Extension of Medical Assistance Due to	amendment at 5 Ill. Reg. 10124, effective October 1, 1981;
	Increased Income From Employment	peremptory amendment at 5 Ill. Reg. 10131, effective October 1,
AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).		1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981;
		amended at 5 Ill. Reg. 10733, effective October 1, 1981;
		amended at 5 Ill. Reg. 10760, effective October 1, 1981;
		amended at 5 Ill. Reg. 10767, effective October 1, 1981;
		peremptory amendment at 5 Ill. Reg. 11647, effective October
		16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective
		January 1, 1982; amended at 6 Ill. Reg. 1216, effective January
		14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective
		March 1, 1982, for a maximum of 150 days; peremptory amendment
		at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory		amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 1474; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENT

Section 114.9 Client Cooperation (Cont'd.)

- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.
- e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d) During the application process, when the applicant is requested to provide third party information and has not requested the third party information and/or cannot provide written verification of the request for third party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the

request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10

Eligibility For Medical Assistance (Emergency Expired)

Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not

Qualify As Mandatory Categorically Needy

MANG(AABD) Income Standard

MANG(C) Income Standard

MANG(P) Income Standard

Exceptions To Use Of MANG Income Standard

AMI Income Standard

120.20

120.30

120.31

120.40

120.50

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (Emergency Expired)

Cases in Intermediate Care, Skilled Nursing Care and

DMHDD - MANG(AABD) and MANG(C)

Department of Mental Health and Developmental

Disabilities (DMHDD) Approved Home and Community

Based Residential Settings (Emergency Expired)

Based Residential Settings Under 89 Ill. Adm. Code

140.643 (Emergency Expired)

Department of Mental Health and Developmental

Disabilities (DMHDD) Approved Home and Community

Based Residential Settings (Emergency Expired)

Pregnant Women and Infants Under Age One Year Who Do

Not Qualify As Mandatory Categorically Needy

120.61

120.62

120.63

120.64

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
120.70

Supplementary Medical Insurance Benefits, Buy-In Program

120.72 Eligibility For Medicare Cost Sharing as a Qualified

Medicare Beneficiary (QMB)

120.74 Qualified Medicare Beneficiary (QMB) Income Standard

Hospital Insurance Benefits (HIB)

120.76

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90

Migrant Medical Program

Income Standards

120.91

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208

Client Cooperation

Citizenship

120.211 Residence

120.212 Age

120.215 Relationship

120.216 Living Arrangement

120.217 Supplemental Payments

120.218 Institutional Status

120.224 Foster Care Program

120.225 Social Security Numbers

120.230 Unearned Income

120.235 Exempt Unearned Income

120.236 Education Benefits

120.240 Unearned Income In-Kind

120.245 Earmarked Income

120.250 Lump Sum Payments and Income Tax Refunds

120.255 Protected Income

120.260 Earned Income

120.261 Budgeting Earned Income

120.262 Exempt Earned Income

120.270 Recognized Employment Expenses

120.271 Income From Work/Study/Training Program

120.272 Earned Income From Self-Employment

120.273 Earned Income From Roomer and Boarder

120.275 Earned Income In-Kind

DEPARTMENT OF PUBLIC AID

90

NOTICE OF PROPOSED AMENDMENTS

Section
120.276 Payments from the Illinois Department of Children and Family Services
Assets
120.280 Exempt Assets
120.281 Asset Disregards
120.282 Deferral of Consideration of Assets
120.283 Spend-down of Assets (AMI) (Emergency Expired)
120.284 Property Transfers
120.285 Persons Who May Be Included in the Assistance Unit
120.290 Payment Levels for AMI
120.295

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and
Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income
120.346 Medical Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Assessment of Assets
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG) (Emergency Expired)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989
120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390 Persons Who May Be Included in the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.208 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.208 Client Cooperation (Cont'd.)

- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.
- e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d) f) - During the application process, when the applicant is requested to provide third-party information and has not requested the third-party information and/or cannot provide written verification of the request for third-party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.208 Client Cooperation (Cont'd.)

third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3+4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.308 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

1) in the determination of eligibility;

2) with Department programs conducted for the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.308 Client Cooperation (Cont'd)

purposes of acquisition or verification of information upon which eligibility may depend;

3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d+f) During the application process, when the applicant is requested to provide third party information and has not requested the third party information and/or cannot provide written verification of the request for third party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.308 Client Cooperation (Cont'd)

period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of forty-five (45) days from the date of application shall be granted. The first day of the forty-five (45) day period is the calendar day following the date of application. The 45th day must be a work day.

3)4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunication Devices for the Hearing Impaired
- 2) Code Citation: 89 Ill. Adm. Code 890
- 3) Section Numbers:

890.10	repeal
890.20	repeal
890.30	repeal
890.40	repeal
- 4) Statutory Authority: Implementing Sections 3, 3.1, and 4 and authorized by Section 5 of "AN ACT in relation to the installation of telecommunication devices for use throughout the state by individuals with hearing impairments," (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 4203, 4203.1, 4204, and 4205)
- 5) A Complete Description of the Subjects and Issues Involved: Subpart A is being repealed in accordance with Public Act 86-629 in which the rulemaking authority over TDD's in public safety agencies has been eliminated.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?

Yes	X	No
-----	---	----
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429.
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

ILLINOIS REGISTER
DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 890

TELECOMMUNICATION DEVICES FOR THE HEARING IMPAIRED

SUBPART A: THE INSTALLATION, MAINTENANCE AND USE OF
TELECOMMUNICATIONS DEVICES BY SHERIFF'S OFFICES AND OTHER
PUBLIC SAFETY AGENCIES (Repealed)

Section
890.10 Authority and Applicability (Repealed)
890.20 Definitions (Repealed)
890.30 Participation (Repealed)
890.40 Criteria for Distribution (Repealed)

SUBPART B: TELECOMMUNICATION DEVICES FOR THE DEAF IN
MAJOR PUBLIC TRANSPORTATION SITES

Section
890.100 Applicability
890.110 Installation
890.120 Equipment and Maintenance
890.130 Third Party Assistance

Illustration A Telecommunication Device for the Deaf Logo

AUTHORITY: Implementing Sections 3, 3.1, and 4 and authorized by Section 5 of "AN ACT in relation to the installation of telecommunication devices for use throughout the State by individuals with hearing impairments," (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 4203, 4203.1, 4204, and 4205)

SOURCE: Adopted at 6 Ill. Reg. 5183, effective April 12, 1982; codified at 7 Ill. Reg. 2377; emergency amendment at 10 Ill. Reg. 12161, effective July 1, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 824, effective December 24, 1986; amended at _____ Ill. Reg. _____, effective _____.

SUBPART A: THE INSTALLATION, MAINTENANCE AND USE OF
TELECOMMUNICATIONS SERVICES BY SHERIFF'S OFFICES AND OTHER
PUBLIC SAFETY AGENCIES (Repealed)

Section 890.10 Authority and Applicability (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) These rules are promulgated by the Illinois Department of Rehabilitation Services, pursuant to the authority of Public Act 81-531, as amended by Public Act 82-549, Section 9.1, Ill. Rev. Stat. 1981 ch. 111 1/2, par. 4201 et seq., to implement the Department's program for making Telecommunications Devices available to Sheriffs' Departments and other Public Safety Agencies to allow persons with hearing impairments to access and obtain emergency public safety services. These rules also set forth requirements relating to the installation, maintenance, use and transfer of the Devices.

b) These rules apply to each public safety agency including all Sheriff's Departments; any unit of local government; and any special purpose district within the state which have the authority to and do provide 24 hours per day, 365 days per year emergency services (such as police, fire, medical, ambulance, rescue and poison advisory) which operate a Public Safety Answer Point. These rules are limited to such public safety agencies that accept a Telecommunications Device from the Department or have accepted such Device from the Illinois Department of Public Health prior to January 1, 1982 under PA 81-531.

(Source: Repealed — Ill. Reg. _____, effective _____)

Section 890.20 Definitions (Repealed)

The term "Department" means the Department of Rehabilitation Services.

The term "911" (Nine-One-One) means an emergency answer and response system, in which the caller need only dial "9-1-1" on a public switched network telephone to obtain emergency services including police, fire, medical, ambulance and rescue.

The term "Public Safety Agency" means any unit of local government or special purpose district within the state which has authority to provide firefighting, police, or other emergency services. This includes any PSAP agency which handles emergency calls for the above agencies.

The term "Public Safety Answer Point" (PSAP) means the initial answering location of calls from the public to access any emergency services provided by public or private safety

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

agencies. For the purpose of these Rules the term PSAP will be limited to Public and Private Safety Answer Points that operate 24 hours per day, 365 days per year. Normally these centers handle calls for Sheriff's Offices, Police, Fire, Ambulance, Medical, Rescue and Poison Advisory.

The term "Telecommunications Device for the Deaf" (TDD), or "Telecommunications Device" or "Device" means a Teletypewriter or other instrument for telecommunications in which speaking or hearing is not required for communication.

(Source: Repealed at — Ill. Reg. _____, effective _____)

Section 890.30 Participation (Repealed)

a) Public Safety Agencies which receive Telecommunications Devices distributed by the Department or by the Illinois Department of Public Health prior to January 1, 1982, shall:

1) Provide the necessary Department approved telephone line and accessories required to receive emergency calls on the Device from the hearing impaired. The Department's policy is to encourage public safety agencies receiving Department TDD's to receive calls on all their present public input lines.

2) Pay any installation and maintenance cost associated with the Device.

3) Send when offered by the Department one or more PSAP operators to Department orientation training in the handling of calls from the hearing impaired and the use of the Device.

4) Advertise the TDD emergency telephone number by having the letters TDD placed below and to the right of the number (i.e. "911 TDD") in the local Telephone Directory.

5) Develop and implement a local public education program designed to alert the hearing impaired to the availability of the local TDD emergency service.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Provide the Department annually with information on the use and status of the Device on forms provided and prescribed by the Department.
- 7) Receive emergency TDD calls at its PSAP 24 hours per day, 365 days per year from the hearing impaired and insure that an appropriate emergency response is made by the agency itself, by a mutual aid agency, or any other individual or group acting on behalf of the agency.
- 8) Allow the Department, its employees or its designee to enter the premises housing the Telecommunications Device to monitor its operation at any time for the purpose of inspecting said Device and its use.
- b) No Public Safety Agency shall be required to accept a Telecommunications Device from the Department.

(Source: Repealed at — Ill. Reg. — , effective —)

Section 890.40 Criteria for Distribution (Repealed)

- a) Public Safety Agencies desiring Telecommunications Devices shall submit an application to the Department and complete an agreement with the Department on forms prescribed by the Department.
- b) Telecommunications Devices shall be distributed by the Department to Public Safety Agencies and special purpose districts which operate a 24 hours per day, 365 days per year PSAP providing emergency response to all emergency TDD telephone requests from the hearing impaired or persons who are otherwise communicatively handicapped.
- c) If the Department does not possess enough Devices to distribute one to all PSAP's who make application, then the Department shall distribute according to the following priorities:
 - 1) County Sheriffs' Departments.
 - 2) Multiple-county area PSAP's.
 - 3) PSAP's covering municipalities with populations of 100,000 and over.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) PSAP's covering municipalities between 10,000 and 99,999 population.
- 5) Poison Advisory, Medical Advisory, and Crisis Intervention centers which receive direct public calls or referral transfer calls from Public Safety Agencies 24 hours per day, 365 days per year.
- 6) PSAP's which have serviceable Telecommunication devices are not eligible for a Device granted by the Department unless special circumstances exist, and pending Device availability. Based upon engineering judgement, these special circumstances would include, but are not necessarily limited to the following: no hard copy printer, not compatible with the TDD for the Deaf system, unavailability of the Device, and frequency of Device usage.
- d) If the Department does not have a sufficient number of Devices to provide one for each agency which has applied within any one of the aforementioned categories then the Department shall also consider factors including: Multijurisdiction, 911 status, population size, land area covered, urban/rural mix, financial need and technical circumstances.
- e) Public Safety Agencies which have received a Telecommunications Device provided by the Department or by the Illinois Department of Public Health prior to January 1, 1982, and
 - 1) No longer desire to keep it;
 - 2) No longer can or will use it for handling emergency calls from the hearing impaired;
 - 3) No longer operate a 24 hours per day, 365 days year PSAP; or
 - 4) Do not use it in accordance with the Telecommunications Program for the hearing impaired; shall return said Device within 30 days of the occurrence of one of the above conditions to the Department for redistribution. The Department will then redistribute the Device according to 890.40(a),(b),(c) and (d) giving

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

priority to those agencies within the same county that the TDD come from. Any new agency receiving a Device from the Department shall also meet the criteria set forth in 890.40(a) and (b) above.

(Source: Repealed at Ill. Reg. _____, effective _____).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers:
1030.84 Amendment
1030.92 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rulemakings contain: 1) the safety inspection requirements of a vehicle being used to administer a road test and 2) the types of restrictions which may be added to a driver's license.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.30	Amendment	14 Ill. Reg. 179 (January 5, 1990)
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.80	Amendment	14 Ill. Reg. 579 (January 12, 1990)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.94	Amendment	14 Ill. Reg. 1902 (February 2, 1990)
1030.95	Amendment	13 Ill. Reg. 16297 (October 20, 1989)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.15	Cite for Re-examination
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee On Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13998, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1030.84 Vehicle Inspection

- a) For the purposes of this Section terms shall be defined as follows:

"Examiner" - employee of the Secretary of State who is qualified to administer the road test.

"First Division Vehicle" - those motor vehicles which are designed for use to carry not more than ten persons.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Motorcycle" - every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"Pedalcycle" - motor driven cycle whose speed attainable in one mile is thirty miles per hour or less, which is equipped with a motor which produces two brake horse power or less.

"Registration Sticker" - a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a predetermined period of time.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Second Division Vehicle" - vehicles which are designed for carrying more than ten persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

"Secretary of State" - the Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

- b) An applicant, who is required to take the road test, as defined in Section 1030.85 of this Part, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle which is not properly equipped or which does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for all Fifth Division vehicles the type of representative vehicles being used to administer the road test:

- 1) Registration plates shall be attached or affixed to the motor vehicle on the front and one on the rear. Every registration plate shall at all times be securely fastened in a position horizontal to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate in a place and position to be clearly visible and shall be maintained free from foreign material and in a condition to be

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

clearly legible. Registration stickers issued as evidence of payment shall be affixed to the front of the vehicle in accordance with the provisions of the Illinois Vehicle Title and Registration Law Section 3-413 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-413.) The owner of a vehicle which does not have registration plates and/or a registration sticker shall present proper documentation, as required by pursuant to Section 3-407 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-407), showing that proper registration has been applied for, prior to use of the vehicle for road test.

2) When lighted lamps are required by Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201(b) pursuant to Section 12-201(b) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201(b)) for the road test, motor vehicles shall exhibit at least 2 lighted head lamps with at least one on each side of the front of the vehicle, showing white light, or light of a yellow or amber tint. Parking lamps may be used in addition to, but not in lieu of, such head lamps. Motor vehicles shall also exhibit at least 2 lighted lamps, commonly known as brake lights, which shall be mounted on the left and right side of the vehicle so as to shine a red light in the reverse direction. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required by Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201(b) and reflector as required in Section 11-1507.1 of the Illinois Rules of the Road of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, ch. 11-1507.1.)

3) When windshield wipers are required by Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503(d) pursuant to Section 12-503(d) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503(d)), they must be in proper operating condition as defined in the same statute.

4) The horn must be in proper working order as defined in the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-601.) Horns do not include a siren, whistle, or bell.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sideings, or side windows immediately adjacent to each side of the driver which materially obstructs, obscures or impairs the view from both within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window which materially obstructs the driver's view. No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rear view mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503.)

6) No vehicle may be used for the road test if one or more tires is unsafe as defined in Section 12-405 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-405.) A vehicle equipped with metal studded tires may not be used for the road test.

7) The service brakes, foot or hand operated, must be in a condition which allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motorcycle should have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.

8) Any 1961 or later model motor vehicle that is titled or titled by the Illinois Secretary of State must be equipped with two sets of seat safety belts in the front seat. Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat safety belt as required by pursuant to Section 12-603.1 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-603.1.) Such requirements shall not apply to a driver possessing a written statement from a physician that such a person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles which are not required to be equipped with seat safety belts under Federal Law. A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-807.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of ten inches.
- 10) The seat for the person giving the examination must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test as prescribed by pursuant to Section 1030.85 of this Part. The seat must be free from excessive soil, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors which could pose a danger to the driver or examiner.
- 11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles which have excessive free play in the steering mechanism shall be rejected as unsafe.
- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) Every vehicle shall be equipped with a motor vehicle of a width or design which would not allow hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device which indicates the intention of the driver in the proper manner to turn to the right or to the left. Such signaling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, and mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
- 14) The vehicle shall be equipped with a removable and readily identifiable first aid kit, and the driver shall be readily accessible to the driver's seat from a full view of and readily accessible to the driver's seat by pursuant to Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1983, ch. 95 1/2, par. 1/2, par. 12-809.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 15) Any vehicle which operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges which may prevent or hinder the safe operation of the vehicle braking system. A tire which operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading falls below 95 pounds per square inch normal pressure buildup.
- 16) Three safety flags, flares, fuses or reflectors shall be provided in the all Second Division vehicles as described in Section 12-702 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-702.)
- 17) An operating speedometer shall be mounted in all vehicles designated as a school bus in such a manner that it is readable to the seated driver.
- 18) A fire extinguisher shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-808.)
- 19) The emergency doors at the front and the rear of the designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.
- 20) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-808.)
- 21) A school bus shall carry a removable and readily identifiable first aid kit, and the driver shall be readily accessible to the driver's seat from a full view of and readily accessible to the driver's seat by pursuant to Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-809.)

NOTICE OF PROPOSED AMENDMENTS

620) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as designated by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

721) A school bus with a gross vehicle weight rating more than 10,000 pounds shall be equipped with an amber light that flashes light on the front of the bus. The light shall be illuminated for the total time during periods when head lamps are required by Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-201. All Second Division vehicles, as required by Section 12-202 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-202), shall have mounted and properly display clearance, identification and side marker lamps. Such lamps shall be illuminated for the road test, during periods when headlamps are required pursuant to Section 12-201 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201.)

8) A reflectorized rear view mirror shall be located on the right and left sides of the bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of ten inches.

922) A stop arm shall be placed on the driver's side of the each Second Division school bus and may be operated either manually or mechanically. The design of this stop arm shall comply with Section 12-803 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-803.)

1023) The tailpipe(s) of each Second Division school bus should extend beyond the rear end of the chassis frame, but not beyond the rear of the bumper.

4) A tailpipe or exhaust system bus shall meet the same requirements as a First Division vehicle found in paragraph (a) of this subsection with the following additions or exceptions:

1) Seats must be securely mounted to the vehicle.

NOTICE OF PROPOSED AMENDMENTS

24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses as designated by pursuant to Sections 12-801, 12-802, 12-804 and 12-806 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-801, 12-802, 12-804 and 12-806.) A road test, for a religious organization bus or senior citizen transportation vehicle shall be restricted, may be administered in any vehicle of the proper specification, size and weight classification representative type for the license and identification restriction requested. (92 Ill. Adm. Code 1030.92.)

2) The following is required for vehicles used in a road test for Class 2 of M licenses:

1) Each motor vehicle, motor driven cycle or pedalcycle shall have one registration plate which is securely fastened in a horizontal position to the rear of the vehicle in a place and position to be clearly legible. Registration stickers issued as evidence of payment shall be fastened to the rear of the vehicle in a place and position to be clearly legible by the Secretary of State.

2) The owner of a vehicle which does not have registration plates and/or registration stickers shall present documentary evidence as required by the Illinois Vehicle Code Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-201, showing that proper registration has been applied for; prior to use of the vehicle for the road test.

3) The motor must be operable. Motors do not include a starter, whistles or bells.

4) The windshield shall be in such a condition as to give equivalent vision with windshield wipers not to impair the motorcyclist's vision.

5) When lights are needed for the road test, the full lamp is required by Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-201 on all motor driven cycles and motorcycles. If the full lamp is required to be turned on for the road test, the registration plate light must also be lit.

6) One brake light is required on the rear of the vehicle which shall be actuated when the vehicle brake is applied.

7) A pedalcycle must have a lamp on the front which shall emit a white light visible for at least 300 feet. A red reflector on the rear of the vehicle is also required.

NOTICE OF PROPOSED AMENDMENTS

8) No vehicle should be used for the road test if one of those tires is identified under 111 Rev. Stat. 1985, ch. 95 1/2, par. 11-1403. A vehicle will be rejected if it is equipped with misidentified tires!

9) The safety brakes should be in such condition as to be activated with one movement of the activating device. A class motorcycle should have two methods of braking. A class 2 motor driven cycle of pedalcycle shall have at least one method of braking!

1025) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

1126) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-1404.)

27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to Sections 13-111 and 13-114 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-111 and 13-114), except those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not be subject to such certificate.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1030.92 Restrictions

a) For purposes of this Section, the following definitions shall apply:

"Binocular Visual Acuity" - visual reading obtained utilizing both eyes at the same time.

"Commercial Driver's License (CDL)" - a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles.

"Commercial Driver License Information System (CDLIS)" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or

NOTICE OF PROPOSED AMENDMENT(S)

any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Driver Services Facility Representative" - employee of the Secretary of State.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Mechanical Aid" - any device added to a motor vehicle which would enhance the operator's ability to safely operate the vehicle.

"Monocular Vision Acuity" - visual acuity reading obtained utilizing individual eye.

"Peripheral Vision" - area of vision from the outside line of direct sight toward the temporal area.

"Prosthesis" - artificial limb such as arm or leg.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Restrictions" - requirements or conditions added on a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Secretary of State" - Secretary of State of Illinois.

NOTICE OF PROPOSED AMENDMENT(S)

"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

"Visual Acuity Standards" - minimum vision standards in accordance with 92 ILL/ Adm/ Code Sections 1030.70 and 1030.75 of this part.

"Visual Peripheral Standards" - minimum vision standards in accordance with 92 III/ 44m/ 004 Sections 1030.70 and 1030.75 of this Part.

- b) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.
- c) If a change in a individual's person's physical and/or visual condition is discovered by a facility representative, such representative has the authority to add, delete, or change the restriction(s).
- d) A type I restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70 of this Part. This restriction includes eye glasses, of contact lenses in one or both eyes, and non-standard lens arrangements.
- e) A type 2 C restriction requires an optical left television mirror for a person who wears a heating aid. A left optical television mirror restriction is added when a person wears a heating aid of his motorist visual acuity reading of 20/100 or worse in either eye the driver to use one or more mechanical aid to assist with the proper and safe operation of the vehicle.
- f) A type 3 D restriction restricts requires the person driver to display only driving. This restriction is added when a person has binocular visual acuity which does not meet the 20/40 minimum test section 1030/70(b)(1) but is not worse than 20/70. Applicable when the driver displaying binocular visual acuity reading of 20/100 or worse in either eye the driver to use one or more mechanical aid to assist with the proper and safe operation of the vehicle.

NOTICE OF PROPOSED AMENDMENT(S)

be restricted to the age and sex of the driver of the vehicle. A driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motor cycles, as provided in Section 6-103(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2).)

indicators are as follows:

J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois license.

J02 Driver authorized to operate a Religious Organization Bus within classification, as provided in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2.)

J03 Driver authorized to operate a Religious Organization Bus or Van within Class D only. The driver took the Religious Organization Bus test in a Class D vehicle, but may hold a Class A, B, or C license.

J04 Driver authorized to operate a Religious Organization Bus or Van within Class C only. The driver took the Religious Organization Bus test in a Class C vehicle, but may hold a Class A or B license.

J05 Driver authorized to operate a Senior Citizen Transportation Vehicle within classification. The driver operates a vehicle which is utilized solely for the purpose of providing transportation for senior citizens, as provided in Section 6-106.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.3.)

J06 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class D only. The driver took the Senior Citizen Transportation Vehicle test in a Class D vehicle, but may hold a Class A, B, or C license.

J07 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class C only. The driver took the Senior Citizen Transportation Vehicle test in a Class C vehicle, but may hold a Class A or B license.

J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4.)

NOTICE OF PROPOSED AMENDMENT(S)

J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motor cycles, as provided in Section 6-103(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2).)

J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.

J11 Indicates the driver took the road test on a three wheel motorcycle (Class M) or three wheel motor driven cycle (Class L) and is restricted to a three wheel cycle of the proper class.

J99 This restriction appears on the license if more than two J restrictions are placed on the driver.

1) A type 6 restriction code is 101 on the driver's license indicating that the restriction of state has restricted the type of vehicle a person shall use. A power brake restriction is added when a person with a vehicle of restricted age is unable to use standard brakes. An electric brake restriction shall be added when a person with a vehicle of restricted age takes his/her test in a vehicle with electric brakes. An air

brake restriction shall be added if a person with a vehicle of restricted age takes his/her test in a vehicle with air brakes. A vehicle brake pedal or built-up clutch pedal restriction is added when a person has a restricted or short leg. A clutch and brake bar restriction is added when a person is unable to use both legs while driving a standard shift vehicle.

2) A type 6 restriction code is 102 on the driver's license indicating that the restriction of state has restricted a person to a completely hand controlled vehicle. This restriction is added when a person is unable to use his/her legs for driving.

3) A type 6 restriction code is 103 on the driver's license indicating that the restriction of state has restricted the type of driver's license a person may use. A hand operated driver's license of limited duration which restriction is added when a person is unable to depress his/her driver's license with his/her left leg.

4) A type 6 restriction code is 104 on the driver's license indicating that the restriction of state has restricted the person to a built-up short leg. This restriction is added when a person has one leg shorter than the other or is short in stature and cannot reach normally located front controls.

5) A type 6 restriction code is 105 on the driver's license indicating that the restriction of state has restricted a person to use a vehicle on an

arm or leg when operating a motor vehicle. These restrictions are added if the person uses arm or leg braces while driving his/her motor vehicle.

q) A type 6 restriction coded as 11/ on the driver's license indicates that the Secretary of State has restricted a person to a certain type of gear shift. A gear shift extension restriction is added when a person has difficulty in shifting gears due to a shift of deformed right arm. A gear shift lever extension to the left of the steering column restriction is added when a person drives a standard shift vehicle and does not have use of his/her right arm when manipulating the gear shift. A cup device on the gear shift lever is added when a person is missing his/her right hand or his/her lower right forearm or has a deformed hand or arm.

r) A type 6 restriction coded as 13/ on the driver's license indicates that the Secretary of State has restricted the type of turn signal a person shall use. A foot operated electric turn signal device restriction is added if a person is unable to activate the standard hand operated signaling device and is unable to use hand signals. An electrical device extension to the right of the steering column restriction is added for a person with no left arm or a person who activates the directional signaling device with his/her right hand.

s) A type 6 restriction coded as 1K/ on the driver's license indicates that the Secretary of State has restricted a person to an artificial foot, leg, arm or hand while operating a motor vehicle. An artificial leg restriction is added if a person's leg is missing below the knee and the driver has adequate use of his knee. An artificial foot restriction is added if a person's foot is missing. An artificial arm restriction is added if a person's arm is missing and an artificial hand restriction is added if a person's hand is missing. A hook restriction is added if a person's hand(s) is missing and a hook is needed to operate a motor vehicle safely.

t) A type 6 restriction coded as 1U/ on the driver's license indicates that the Secretary of State has restricted a person to a type of foot operated device. A foot operated steering wheel and/or a foot operated horn and/or a foot operated starter are added when a person is unable to use his/her hand to steer a car and/or activate a horn and/or start a car.

u) A type 6 restriction coded as 1M/ on the driver's license indicates that the Secretary of State has restricted a person to use a built-up back cushion or a specially designed headrest. A built-up seat cushion restriction is added when a person cannot safely operate a foot controlled device because of his/her inability to reach the controls of pedals. A specially designed headrest restriction is added when a person needs to steady his/her head because he/she is not able to

control his/her neck muscles in order to perform safe vehicle operation. A shoulder harness or seat belt/shoulder harness combination restriction is added when an individual finds it necessary for stabilizing him/herself in the driver seat.

v) A type 6 restriction coded as 1N/ on the driver's license indicates that the Secretary of State has restricted a person to a class of motor vehicle for which a license is issued. A license restriction is added when a person has problems with his/her head while driving and/or cannot meet the peripheral vision requirements of section 1030/10(g) and/or takes the road test in a right hand driven vehicle with the steering wheel on the right side. An individual may be restricted to both left and right seat view mirrors if minimum peripheral standards are met by the use of only one eye in accordance with 92 Ill. Ann. Code 1030/10 and 1030/13.

w) A type 6 restriction coded as 1O/ on the driver's license indicates that the Secretary of State has restricted a person to use an outside rear view mirror. A right outside rear view mirror restriction is added when a person has problems with his/her head while driving and/or cannot meet the peripheral vision requirements of section 1030/10(g) and/or takes the road test in a right hand driven vehicle with the steering wheel on the right side. An individual may be restricted to both left and right rear view mirrors if minimum peripheral standards are met by the use of only one eye in accordance with 92 Ill. Ann. Code 1030/10 and 1030/13.

x) A type 6 restriction coded as 1R/ on the driver's license indicates that the person also holds a valid Iowa Chauffeur License. This restriction is added when a person is a licensed driver in Illinois but is employed as a chauffeur in the State of Iowa.

y) A type 6 restriction coded as 1S/ on the driver's license indicates an out-of-state resident has been issued an Illinois license only for the purpose of authorizing him/herself to operate a school bus in Illinois while still holding a driver's license issued by his/her home state as provided in section 6106/1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code 111/ Rev/ Stat/ 1987/ ch/ 95 1/2/ part/ 6106/11.

z) A type 6 restriction coded as 1T/ on the driver's license indicates that the Secretary of State has authorized the person to operate a religious organization bus as provided in section 6106/2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

aa) A type 6 restriction coded as 1U/ on the driver's license indicates that a person has been issued an Illinois Medical Restriction Card which must be presented in addition to a valid Illinois license as provided by section 6109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code 111/ Rev/ Stat/ 1987/ ch/ 95 1/2/ part/ 6109/1.

bb) A type 6 restriction coded as 1V/ on the driver's license indicates that an out-of-state resident has been issued an Illinois license only for the purpose of authorizing him/herself to operate a religious organization vehicle in Illinois while still holding a driver's license issued by his/her home state as provided in section 6106/2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

NOTICE OF PROPOSED AMENDMENT(S)

cc) A type 6 restriction coded as 17V1 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a child day care vehicle in Illinois while still holding a license issued by his/her home state as provided in section 3-1 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 3-1).

dd) A type 6 restriction coded as 1W1 on the driver's license indicates that the person is authorized to operate a senior citizen organization vehicle as provided in section 6-106/3 of the Illinois Driver Licensing Law.

ee) A type 6 restriction coded as 1X1 on the driver's license indicates that an out-of-state resident has been issued an Illinois license only for the purpose of authorizing him/her to operate a senior citizen transportation on vehicle in Illinois while still holding a driver's license issued by his/her home state as provided in section 6-106/3 of the Illinois Driver Licensing Law.

ff) A type 6 restriction coded as 1Y1 on the driver's license indicates that the person is authorized to operate a commercial van in a for-profit ride-sharing arrangement as provided in section 6-106/4 of the Illinois Driver Licensing Law.

gg) A type 6 restriction coded as 1Y21 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a commercial van in a for-profit ride-sharing arrangement while still holding a license issued by his/her home state as provided in section 6-106/4 of the Illinois Driver Licensing Law.

hh) A type 6 restriction coded as 1Z1 on the driver's license indicates that a person who is 16 or 17 years of age is authorized to operate an L or M class cycle as provided in section 6-103(2) of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2)).

ii) A type 6 restriction coded as 1Z21 on the driver's license indicates that the person has been issued an Illinois driver's license for the purpose of allowing him/her to operate a commercial vehicle as provided in 92 Ill. Admin. Code 1070.180.

jj) If an individual wishes to appeal a restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:

1) A written request stating that he/she wishes to appeal the addition of the restriction, and

2) A letter from his/her physician, on the physician's letterhead, explaining that the restriction is unnecessary.

NOTICE OF PROPOSED AMENDMENT(S)

kk) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver's License Medical Advisory Board of the Illinois Department of Public Health for a recommendation pursuant to section 506-1 of the Driver's License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1 et seq.). The Department is then notified in writing of the driver's license medical advisory board's recommendation. After the Department adopts the driver's license medical advisory board's recommendation, any further appeal shall be directed to the Driver's License Advisory Board pursuant to section 8 of the Driver's License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1).

k) A type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.

l) A type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

m) If an individual wishes to appeal a type B, C, D, E, F, or G restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:

1) a written request stating that he/she wishes to appeal the addition of the restriction, and

2) a letter from his/her physician, on the physician's letterhead, explaining that the restriction is unnecessary.

n) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver License Medical Advisory Board for a recommendation pursuant to section 506-1 et seq. of the Driver License Medical Review Act of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1 et seq.) A report of the Driver License Medical Advisory Board's findings, determinations and recommendations shall be forwarded to the Department within seven (7) days for appropriate action. The action taken by the Medical Review Unit of the Department is appealable to the Department of Administrative Hearings. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118.) Further review shall be conducted by the courts pursuant to Administrative Review Law. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-212.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Fair Share Fee Objections
- 2) Code Citation: 80 Ill. Adm. Code 1125
- 3) Section Numbers: Adopted Action:
1125.40 Amendment
- 4) Statutory Authority: Section 5(h) of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, par. 1711, as amended by P.A. 86-412, effective August 30, 1989.
- 5) Effective Date of Amendments: February 9, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: September 7, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register:
September 29, 1989 13 Ill. Reg. 15182
- 10) Has JCAR issued a Statement of Objections to this Rule? No.
- 11) Difference(s) between proposed and final version:

Section

1125.50 Responses to Objections (Repealed)

AUTHORITY: Implementing Sections 3(a), 11, 14(a)(1) and (b)(1) and authorized by Section 5(h) of the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, pars. 1703(a), 1711, 1714(a)(1) ~~1714~~ and (b)(1), and 1705(h)), as amended by P.A. 86-412, effective August 30, 1989.

- c) An escrow account maintained by an exclusive representative shall meet the following standards:
 - 2) The account shall earn interest ~~at~~ of at least the rate provided by commercial banks for regular passbook savings accounts.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) If the account combines the fair share fees of more than one objector, separate records must be kept of each objector's fee, prorating the interest earned on the account. ~~If the exclusive representative keeps these fees separately added, shall be independently audited.~~
- f) If the Executive Director determines that reduction of the amount of the escrow will clearly not prejudice the constitutional and statutory rights of the objecting employee, he shall order the escrow reduced to an amount necessary to protect the rights of the parties in a written decision containing his reasons. The order shall be served on the objecting employee, the exclusive representative and the employer. Thereafter, the employer shall transmit the reduced escrow amount to the Board and the remainder to the exclusive representative, unless the exclusive representative maintains an escrow account in accordance with ~~§0 III/ Adm/ Code 1125.40~~ subsections (b) and (c). If the exclusive representative maintains such an escrow account, the exclusive representative shall pay the reduced escrow amount into the escrow account and may retain the remainder.
- h) The Executive Director's decision on the motion may be appealed to the Board. Notice of appeal, together with any supporting briefs, shall be filed no later than 15 days after service of the Executive Director's decision. Parties may file briefs in accordance with 80 Ill. Adm. Code 1105. Subpart B. The Board shall review the Executive Director's decision to determine whether it is in accordance with the Act, this Part and the evidence submitted by the parties.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace an emergency rule currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s): The Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, par. 1711 was amended by P.A. 86-412, effective August 30, 1989. The statutory amendment required this Agency, within 30 days of the effective date of the legislation, to promulgate rules for labor organization fair share fee escrow accounts. Thus, these amendments serve to establish procedures, consistent with developing legal precedents in the area of fair share fee administration, to be followed by labor organizations when they choose to serve as fair share fee escrow agents.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Julie K. Hughes, General Counsel
 Address: Illinois Educational Labor Relations Board
 20 North Wacker Drive, Suite 1000
 Chicago, Illinois 60606
 Telephone: (312) 793-3170

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1125

FAIR SHARE FEE OBJECTIONS

Section	
1125.10	General Statement of Purpose
1125.20	Notice of Fair Share Fees
1125.30	Objections to Fair Share Fees
1125.40	Escrow Accounts
1125.50	Responses to Objections (Repealed)
1125.60	Consolidation of Fair Share Fee Objections
1125.70	Investigation of Fair Share Fee Objections
1125.80	Hearings
1125.90	Consideration by the Board (Repealed)
1125.100	Internal Review Procedure

AUTHORITY: Implementing Sections 3(a), 11, 14(a)(1) and (b)(1) and authorized by Section 5(h) of the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, pars. 1703(a), 1711, 1714(a)(1) and (b)(1), and 1705(h), as amended by P.A. 86-412, effective August 30, 1989).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amended at 13 Ill. Reg. 1784, effective January 31, 1989; emergency amendments at 13 Ill. Reg. 15469, effective September 13, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 2873, effective February 9, 1990.

Section 1125.40 Escrow Accounts

- a) Upon service of an objection, the employer shall continue to deduct the fair share fee from the objecting employee's pay, but shall not pay the fee to the exclusive representative, unless the exclusive representative maintains an escrow account in accordance with subsections (b) and (c) and the exclusive representative has so notified the employer. The employer shall transmit the fee to the Board which shall hold the fee in escrow in an account established for that purpose. If the objecting employee has disputed only part of the fee, the employer shall pay the undisputed amount to the exclusive representative and shall transmit the disputed amount to the Board. The employer shall continue to transmit all such fees to the Board until further order of the Board.
- b) An exclusive representative may maintain an escrow account for the purpose of holding fair share fees to which employees have objected. If an exclusive representative maintains such an account, the employer

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

shall continue to transmit an objecting employee's fair share fee to the exclusive representative. Upon service of an objection, the exclusive representative shall deposit the objecting employee's fair share fee into the escrow account which it maintains. If the objecting employee has disputed only part of the fee, the exclusive representative shall pay the disputed amount into the escrow account and may retain the undisputed amount. The exclusive representative shall continue to pay into the escrow account all fair share fees of the disputed portion of the fees until further order of the Board. An escrow account maintained by an exclusive representative shall meet the following standards:

- 1) The account shall be maintained in a federally insured financial institution.
- 2) The account shall earn interest of at least the rate provided by commercial banks for regular passbook savings accounts.
- 3) If the account combines the fair share fees of more than one objector, separate records must be kept of each objector's fee, prorating the interest earned on the account.
- 4) The escrow account may contain the fees of objecting employees in different bargaining units.
- 5) Any charges resulting from a financial institution for the cost of maintaining an escrow account shall be borne by the exclusive representative.

bd) Within 45 days after service of the objection, the exclusive representative may file a motion to reduce the amount of the escrow. The motion shall be filed with the Executive Director. The exclusive representative shall attach to the motion any documents it wishes to have considered in support of this motion. The motion and supporting documents shall be served on the objecting employee and the employer in accordance with 80 Ill. Adm. Code 1100.20(d). The exclusive representative shall have the burden of demonstrating that its proposed reduction in the amount of the escrow will clearly not prejudice the constitutional and statutory rights of the objecting employee.

ce) The objecting employee shall have 15 days computed in accordance with 80 Ill. Adm. Code 1100.30 to respond. The response shall be served on the exclusive representative and the employer in accordance with 80 Ill. Adm. Code 1100.20(d).

df) If the Executive Director determines that reduction of the amount of the escrow will clearly not prejudice the constitutional and statutory rights of the objecting employee, he shall order the escrow reduced to an amount necessary to protect the rights of the parties in a written decision containing his reasons. The order shall be served on the objecting employee, the exclusive representative, and the employer. Thereafter, the employer shall transmit the reduced escrow amount to the Board and the remainder to the exclusive representative, unless the exclusive representative maintains an escrow account in accordance with subsections (b) and (c). If the exclusive representative maintains such an escrow account, the exclusive representative shall

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Pay the reduced escrow amount into the escrow account and may retain the remainder.

eg) In making the determination, the Executive Director will consider court decisions interpreting the constitutional and statutory rights of employees, patterns of expenditures by the exclusive representative, prior adjudications involving the exclusive representative, and other relevant factors as substantiated by material submitted by the parties.

fh) The Executive Director's decision on the motion may be appealed to the Board. Notice of appeal, together with any supporting briefs, shall be filed no later than 15 days after service of the Executive Director's decision. Parties may file briefs in accordance with 80 Ill. Adm. Code 1103r- Subpart B. The Board shall review the Executive Director's decision to determine whether it is in accordance with the Act, this part, and the evidence submitted by the parties.

(Source: Amended at 14 Ill. Reg. 2873, effective February 9, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3) Section Numbers: Adopted Action:
301.106 New Section
301.107 New Section
301.108 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2.
- 5) Effective Date of Amendments: February 13, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do the Amendments contain incorporations by reference?
Yes. Section 301.106 contains incorporations by reference.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Yes.
- 8) Date filed in Agency's Principal Office: January 25, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14152 (September 15, 1989)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

For a more detailed explanation of changes made to these amendments, see Board Opinion and Orders of December 6, 1989 and January 25, 1990, available from the Clerk of the Board (see #15).

Section 301.106

-Reference to APHA's "Standards Methods" has been changed to the 16th Edition, 1985.
-Reference to "Quality Criteria for Water 1986" has been deleted to conform with deletions at 35 Ill. Adm. Code 302.654(b)(7).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

-40 CFR 136 has been added and ATMS Standard D 1126-86 and ASTM Standard D 1253-86 have been deleted for conformity to changes in definitions.
-ASTM toxicity testing standards have been added.

Section 301.108

A new section has been added here which states the statutory language of the Illinois Environmental Protection Act regarding adjusted standards.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
JCAR has indicated that no agreements involving these amendments were necessary.
- 13) Will the Amendments replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21(A). Other related amendments were adopted in Parts 302, 305, and 309, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 25, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

These amendments address incorporations by reference and severability of provisions.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these Amendments are federally required.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-6929

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 301

INTRODUCTION

Section	Authority
301.101	Policy
301.102	Repeals
301.103	Analytical Testing
301.104	References to Other Sections
301.105	Incorporations by Reference
301.106	Severability
301.107	Adjusted Standards
301.108	Definitions
301.200	Act
301.205	Administrator
301.210	Agency
301.215	Aquatic Life
301.220	Artificial Cooling Lake
301.225	Basin
301.230	Board
301.235	CWA
301.240	Calumet River System
301.245	Chicago River System
301.250	Combined Sewer
301.255	Combined Sewer Service Area
301.260	Construction
301.265	Dilution Ratio
301.270	Effluent
301.275	Hearing Board
301.280	Industrial Wastes
301.285	Institute
301.290	Interstate Waters
301.295	Intrastate Waters
301.300	Land Runoff
301.305	Marine Toilet
301.310	Modification
301.315	New Source
301.320	NPDES
301.325	Other Wastes
301.330	Person
301.335	Pollutant
301.340	Population Equivalent
301.345	Pretreatment Works
301.350	Pretreatment Works
301.355	Primary Contact
301.360	Public and Food Processing Water Supply

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

301.365 Publicly Owned Treatment Works
 301.370 Publicly Regulated Treatment Works
 301.375 Sanitary Sewer
 301.380 Secondary Contact
 301.385 Sewage
 301.390 Sewer
 301.395 Sludge
 301.400 Standard of Performance
 301.405 STORET
 301.410 Storm Sewer
 301.415 Treatment Works
 301.420 Underground Waters
 301.425 Wastewater
 301.430 Wastewater Source
 301.435 Watercraft
 301.440 Waters

APPENDIX: References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990.

Note: Capitalization denotes statutory language

Section 301.106 Incorporations by Reference

- a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

"ASTM" means American Society for Testing and Materials

"GPO" means Superintendent of Documents, U.S. Government Printing Office

"NTIS" means National Technical Information Service

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"USEPA" means United States Environmental Protection Agency

- b) The Board incorporates the following publications by reference:

American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005

Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19013 (215) 299-5400

ASTM Standard E 724-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Larvae of Four Species of Bivalve Molluscs", approved 1980.

ASTM Standard E 729-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Fishes, Macroinvertebrates, and Amphibians", approved 1980.

ASTM Standard E 857-81 "Standard Practice for Conducting Subacute Dietary Toxicity Tests with Avian Species", approved 1981.

ASTM Standard E 1023-84 "Standard Guide for Assessing the Hazard of a Material to Aquatic Organisms and Their Uses", approved 1984.

ASTM Standard E 1103-86 "Method for Determining Subchronic Dermal Toxicity", approved 1986.

ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987

ASTM Standard E 1192-88 "Standard Guide for Conducting Acute Toxicity Tests on Aqueous Effluents with Fishes, Macroinvertebrates and Amphibians", approved 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ASTM Standard E 1193-87 "Standard Guide for Conducting Renewal Life-Cycle Toxicity Tests with Daphnia Magna", approved 1987.

ASTM Standard E 1241-88 "Standard Guide for Conducting Early Life-Stage Toxicity Tests with Fishes", approved 1988.

ASTM Standard E 1242-88 "Standard Practice for Using Octanol-Water Partition Coefficients to Estimate Median Lethal Concentrations for Fish due to Narcosis", approved 1988.

ASTM Standard E 4429-84 "Standard Practice for Conducting Static Acute Toxicity Tests on Wastewaters with Daphnia", approved 1984.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600

SIDES: STOPET Input Data Editing System, January, 1973, Document Number PB-227 052/8

Water Quality Data Base Management Systems, February, 1984, Document Number AD-P004 768/8

USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460

Mutagenicity and Carcinogenicity Assessment for 1,3-Butadiene, September, 1985, Document Number EPA/600/8-85/004a

c) The Board incorporates the following federal regulations by reference:

40 CFR 136 (1988)

40 CFR 141 (1988)

40 CFR 302.4 (1988)

d) This Section incorporates no future editions or amendments.

(Source: Added at 14 Ill. Reg. 2879 , effective February 13, 1980)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 301.107 Severability

If any provision of this Subtitle is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Subtitle as a whole, or any Part, Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.

(Source: Added at 14 Ill. Reg. 2879 , effective Feb. 13, 1990)

Section 301.108 Adjusted Standards

a) AFTER ADOPTING A REGULATION OF GENERAL APPLICABILITY, THE BOARD MAY GRANT, IN A SUBSEQUENT ADJUDICATORY DETERMINATION, AN ADJUSTED STANDARD FOR PERSONS WHO CAN JUSTIFY SUCH AN ADJUSTMENT CONSISTENT WITH SUBSECTION (a) OF SECTION 27 OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. IN GRANTING SUCH ADJUSTED STANDARDS, THE BOARD MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. THE RULE-MAKING PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq) AND TITLE VII OF THE ENVIRONMENTAL PROTECTION ACT SHALL NOT APPLY TO SUCH SUBSEQUENT DETERMINATIONS. (Section 28.1(a) of the Act)

b) IN ADOPTING A RULE OF GENERAL APPLICABILITY, THE BOARD MAY SPECIFY THE LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER FOR AN ADJUSTED STANDARD CONSISTENT WITH THIS SECTION. (Section 28.1(b) of the Act)

c) IF A REGULATION OF GENERAL APPLICABILITY DOES NOT SPECIFY A LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER TO QUALIFY FOR AN ADJUSTED STANDARD, THE BOARD MAY GRANT INDIVIDUAL ADJUSTED STANDARDS WHENEVER THE BOARD DETERMINES UPON ADEQUATE PROOF BY PETITIONER, THAT:

- 1) FACTORS RELATING TO THAT PETITIONER ARE SUBSTANTIALLY AND SIGNIFICANTLY DIFFERENT FROM THE FACTORS RELIED UPON BY THE BOARD IN ADOPTING THE GENERAL REGULATION APPLICABLE TO THAT PETITIONER;
- 2) THE EXISTENCE OF THOSE FACTORS JUSTIFIES AN ADJUSTED STANDARD;
- 3) THE REQUESTED STANDARD WILL NOT RESULT IN ENVIRONMENTAL OR HEALTH EFFECTS SUBSTANTIALLY AND

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SIGNIFICANTLY MORE ADVERSE THAN THE EFFECTS
CONSIDERED BY THE BOARD IN ADOPTING THE RULE OF
GENERAL APPLICABILITY; AND

- 4) THE ADJUSTED STANDARD IS CONSISTENT WITH ANY
APPLICABLE FEDERAL LAW.

(Section 28.1(c) of the Act)

(Source: Added at 14 Ill. Reg. 2879, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Monitoring and Reporting
- 2) Code Citation: 35 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
305.102 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2,
pars. 1013, 1027, and 1028.2(e).
- 5) Effective Date of Amendments: February 13, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 25, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14159 (September 15, 1989).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Citation to Section 39 of the Environmental Protection Act
was added to 305.102(a).
- 12) Have all the changes agreed upon by the Board and JCAR been
made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will these Amendments replace an emergency Rule currently in
effect? No
- 14) Are there any other amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
305.102	Amendment	13 Ill. Reg. 20252

15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21. Other related amendments to Parts 301, 302,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and 309 are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 25, 1990, which is available from the Clerk of the Board, Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago, Illinois 60601.

This Part contains reporting requirements applicable to every person within this State operating a pretreatment work, treatment works or wastewater source.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these rules are federally required.

16) Information and questions regarding this adopted rule shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
(312) 814-6929

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 305
MONITORING AND REPORTING

Section
305.101
305.102
305.103

Preamble
Reporting Requirements
Effluent Measurement

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7819; amended at 8 Ill. Reg. 1604, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2888, effective February 13, 1990.

Section 305.102 Reporting Requirements

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such report shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the discharge as specified by the Agency, pursuant to Section 39 of the Act; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which are required to have a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310.

- 17) Discharge toxic pollutants as defined in Section 502(f)(3) of the Clean Water Act, or pollutants which may interfere with the treatment process, into the receiving treatment works or are subject to regulations promulgated under Section 307 of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Clean Water Act (CWA) 1251 et seq. or discharge 15% or more of the total hydraulic flow received by the treatment works, or
- 3) Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.
- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.
- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

(Source: Amended at 14 Ill. Reg. 2888, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Adopted Action:
309.103 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2(e).
- 5) Effective Date of Amendments: February 13, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 29, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14164 (September 15, 1989)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
-In subsection (a)(3), the phrase "Should aquatic toxicity be apparent" has been replaced with "If this toxicity testing shows the effluent to be toxic".
-References to "NPDES", "Agency", and "CWA" were spelled out.
-References to Section 39 of the Environmental Protection Act was added.
-Amendments to Section 309.152 are no longer being pursued in this Docket.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will these Amendments replace an emergency Rule currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
309.152	Amendment	13 Ill. Reg. 20235 (12/29/89)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21. Other related amendments are proposed in Parts 301, 302, and 305, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 24, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago, Illinois 60601.

This Part imposes requirements upon National Pollution Discharge Elimination System ("NPDES") permitted dischargers consistent with the prohibition against discharging toxic substances in toxic amounts into the waters of this State.

Consistent with the policy objective of prohibiting the discharge of toxic substances in toxic amounts into the waters of this State, this Part allows the Illinois Environmental Protection Agency ("Agency") to require that NPDES permit applicants install, use, maintain and report results from monitoring equipment, including biological monitoring. The Agency may also require effluent toxicity testing.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these Amendments are federally required.

16) Information and questions regarding this adopted Amendments shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
(312) 814-6929

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35 ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

309.181 Appeal of Final Agency Action on a Permit Application
 309.182 Authority to Modify, Suspend or Revoke Permits
 309.183 Revision of Schedule of Compliance
 309.184 Permit Modification Pursuant to Variance
 309.185 Public Access to Information
 309.191 Effective Date

SUBPART B: OTHER PERMITS

Section
 309.201 Preamble
 309.202 Construction Permits
 309.203 Operating Permits; New or Modified Sources
 309.204 Operating Permits; Existing Sources
 309.205 Joint Construction and Operating Permits
 309.206 Experimental Permits
 309.207 Former Permits (Repealed)
 309.208 Permits for Sites Receiving Sludge for Land Application
 309.221 Applications - Contents
 309.222 Applications - Signatures and Authorizations
 309.223 Applications - Registered or Certified Mail
 309.224 Applications - Time to Apply
 309.225 Applications - Filing and Final Action by Agency
 309.241 Standards for Issuance
 309.242 Duration of Permits Issued Under Subpart B
 309.243 Conditions
 309.244 Appeals from Conditions in Permits
 309.261 Permit No Defense
 309.262 Design, Operation and Maintenance Criteria
 309.263 Modification of Permits
 309.264 Permit Revocation
 309.265 Approval of Federal Permits
 309.266 Procedures
 309.281 Effective Date
 309.282 Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990.

SUBPART A: NPDES PERMITS

Section 309.103 Application - General

a) Application Forms

1) An applicant for an National Pollution Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will be in compliance with applicable state and federal requirements.

2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.

3) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

b) Animal Waste Facilities

An applicant for an NPDES Permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of Part 35 Ill. Adm. Code: Subtitle E, Chapter I.

c) Mining Activities

1) If, as defined by Section 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by Section 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by Section 35 Ill. Adm. Code 402.101, the applicant shall also submit an NPDES Permit application in accordance with Section 309.223 on forms supplied by the Agency.

2) As provided by Section 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart A of 35 Ill. Adm. Code 309 apply to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.

3) As provided by Section 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent and water quality standards of Parts 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.

d) New Discharges

Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES Permit either:

- 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or

- 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), or with any applicable zoning or siting requirements established pursuant to Section 208(b)(2)(C) of the CWA, and any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 14 Ill. Reg. 2892, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 302

3) Section Numbers: Adopted Action:

302.100	New Section
302.101	Amendment
302.102	Amendment
302.103	Amendment
302.203	Amendment
302.208	Amendment
302.210	Amendment
302.601	New Section
302.603	New Section
302.604	New Section
302.606	New Section
302.612	New Section
302.615	New Section
302.618	New Section
302.621	New Section
302.627	New Section
302.630	New Section
302.633	New Section
302.642	New Section
302.645	New Section
302.648	New Section
302.651	New Section
302.654	New Section
302.657	New Section
302.658	New Section
302.660	New Section
302.663	New Section
302.666	New Section
302.669	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2(e).

5) Effective Date of Amendments: February 13, 1990

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these Amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: January 25, 1990

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 14172 (September 15, 1989)

10) Has JCAR issued a Statement of Objections to these rules? Yes.

A) Statement of Objection: February 2, 1990 14 Ill. Reg. 2120 (issue date)

B) Agency Response: February 23, 1990 14 Ill. Reg. 2960 (issue date)

C) Date Agency Response Submitted for Approval to JCAR: January 25, 1990

11) Differences between proposal and final version:

For a more detailed explanation of changes made to these amendments, see Board Opinion and Orders of December 6, 1989 and January 25, 1990, available from the Clerk of the Board (see #15).

Section 302.100

-The definition for "Adverse effect" has been added.
-Language was added to the definition of "Chronic Toxicity".
-Acceptable measurement procedures for "Hardness" and "Total Residual Chlorine" have been limited to those specified in 40 CFR 136.

-A definition for "Mixing Zone" has been added.
-Minor word changes have been accomplished in the definition of "Toxic Substance".
-Definitions subsidiary to ZID ("immediate" and "rapid" were moved to Section 302.102(e)).

Section 302.102

-"Allowed Mixing" was added to the title of this section.
-The core of the first sentence of existing 302.102(a) which had been proposed for deletion at first notice, has been retained.

-Other word changes to subsection (a) were accomplished.
-Subsection (b) was modified to allow that proscriptions apply to allowed mixing whether or not a formal mixing zone has been granted.

-There were wording changes made to subsections (b)(4) and (b)(6).

-Subsection (b)(9) was added.

-A sentence was added to subsection (b)(8).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Clarifications were made to subsections (c) and (d).
- Subsection (e) was added to incorporate several precepts regarding ZIDs.
- Subsection (f) was added regarding the Agency's and Board's authorities in the NPDES process relating to mixing zones.
- Subsections (g) and (h) were added regarding the controlling status of decisions made in the NPDES process.

Section 302.208

- The title of this section has been changed.
- Changes were made to subsection (b) to improve clarity.
- Subsection (c) has been changed to better conform its language to concepts regarding allowed mixing, mixing zones, and ZIDs.
- Several changes to the table in subsection (d) have been made to conform to Code Division standards, which necessitated some deletions.
- A typographical error was corrected in subsection (d) to include the correct limit for lead which is "not to exceed 100 ug/L".
- Indentation changes were made to the table in subsection (e), and the use of the term "mixing zone" has been replaced.

Section 302.210

- The second sentence of this Section has been changed.
- Various changes were made in subsections (a) through (c) to better express the nature of the criteria derived pursuant to Subpart F.
- Subsection (d) has been generally amended to better conform its language to concepts regarding allowed mixing, mixing zones, and ZIDs.
- Two new sentences were added to the end of subsection (e) to explicitly establish the basis for challenges to criteria.
- Subsection (f) has been modified to conform with the challenges to criteria calculations. Also portions of subsection (f) were deleted regarding publication requirements and enforcement prerequisites.
- Changes were made regarding citation of Public Acts in subsection (f).

Section 302.603

- The word "substantial" has been replaced by the words "statistically significant" in the definition of "Carcinogen".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- The definitions of "LOAEL" and "NOAEL" have been amended.

Section 302.606

- Citation to specific ASTM standards was added.

Section 302.615

- A grammar change was made to subsection (f). Also, the use of the word "families" has been replaced with the word "taxa". The last sentence of subsection (f) was changed to correct a reference problem.
- Wordng changes were made to subsection (h).

Section 302.618

- This Section was changed to provide clarity regarding log-log and other relationships.
- Acute Aquatic Toxicity Criterion was spelled-out.

Section 302.621

- The last sentence of subsection (b) was modified for increased clarity.

Section 302.627

- Minor corrections were made to this Section.

Section 302.630

- Subsection (b) has been modified for increased clarity.

Section 302.633

- The word "may" was changed to "shall" in subsection (b).

Section 302.642

- The wording of the first sentence has been altered to make clear that the Human Threshold Criterion is a concentration of a substance.

Section 302.645

- The title of this Section has been changed to reflect content.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.648

- The incidental exposure rate was redefined.

Section 302.651

- Changes were made regarding acceptable cancer risk levels associated with single and additive substances.
- The last two sentences were deleted and a reference to subsections (a) and (b) were added.
- Subsections (a) and (b) were added.

Section 302.654

- The title of this Section has been changed to reflect content.
- Cancer risk levels are explicitly stated in the introductory section and in the definition of "K" in subsection (b).
- Units for the "RAI" were corrected to milligrams per day.
- The equation in subsection (b) has been recast to conform to format used in other equations within the Part.
- In subsection (b)(1), the word "must" was replaced by the word "shall".
- The reference in subsection (b)(7) has been replaced.

Section 302.657

- The cancer factor specified in the definition of "RAI" has been decreased to 1 in 1,000,000.
- The definition of "W" has been modified as it relates to incidental exposure.

Section 302.663

- The term "may" has been replaced with "shall" in subsections (b)(5) and (c).
- The equation for calculating the bioconcentration factor of subsection (c) has been altered to a generic form.
- Also in subsection (c), it is specified that the constants shall be -0.23 and 0.76, unless scientifically valid alternative constants can be demonstrated.

Section 302.669

- Subsection (b) was added regarding publication of criteria and adoption of numeric standards.
- Subsection (c) was added regarding Agency record keeping.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? The Board has made all changes agreed upon with the exception of those concerning the issues to which JCAR objected.

- 13) Will these Amendments replace an emergency Rule currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
302.208	Amendment	35 Ill. Adm. Code 30273 (12/29/89)
302.211	Amendment	35 Ill. Adm. Code 30273 (12/29/89)
302.304	Amendment	35 Ill. Adm. Code 30273 (12/29/89)

- 15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21(A). Other related amendments are proposed in Parts 301, 305, and 309, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 25, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

This part contains water quality standards applicable throughout the state. A "two-number standard system" utilizing an acute standard and a chronic standard replaces the previous "single-number approach" for certain chemical constituents. This part limits certain specifically enumerated chemical constituents. Other toxic substances are regulated by use of a narrative standard procedure. The concepts of mixing zones and zones of initial dilution are also set forth in this Part.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these amendments are federally required.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted Amendments shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
(312) 814-6929

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 302

WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section
302.100
302.101
302.102
302.103
302.104
302.105

Definitions

Scope and Applicability

Allowed Mixing, Mixing Zones and ZIDsStream FlowsMain River TemperaturesNondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section
302.201
302.202
302.203
302.204
302.205
302.206
302.207
302.208
302.209
302.210
302.211
302.212

Scope and Applicability

purpose

Unnatural Sludge Offensive Conditions

pH

Phosphorus

Dissolved Oxygen

Radioactivity

Numeric Standards for Chemical ConstituentsFecal ColiformSubstances Toxic to Aquatic Life Other Toxic SubstancesTemperatureAmmonia Nitrogen and Un-ionized Ammonia

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section
302.301
302.302
302.303
302.304
302.305
302.306

Scope and Applicability

Algaecide Permits

Finished Water Standards

Chemical Constituents

Other Contaminants

Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section
302.401
302.402
302.403
302.404

Scope and Applicability

purpose

Unnatural Sludge

pH

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

302.405
302.406
302.407
302.408
302.409
302.410

Dissolved Oxygen
Fecal Coliform (Repealed)
Chemical Constituents
Temperature
Cyanide
Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

Section
302.501
302.502
302.503
302.504
302.505
302.506
302.507
302.508
302.509

Scope and Applicability
Dissolved Oxygen
pH
Chemical Constituents
Fecal Coliform
Temperature
Existing Sources on January 1, 1971
Sources under Construction But Not in Operation on January 1, 1971
Other Sources

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section
302.601
302.603
302.604
302.606
302.612

Scope and Applicability
Definitions
Mathematical Abbreviations
Data Requirements
Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
The Wild and Domestic Animal Protection Criterion
The Human Threshold Criterion
Determining the Acceptable Daily Intake
Determining the Human Threshold Criterion
The Human Nonthreshold Criterion
Determining the Risk Associated Intake
Determining the Human Nonthreshold Criterion
Stream Flow for Application of Human Nonthreshold Criterion
Bioconcentration Factor

302.660

302.663
302.666
302.669

Determination of Bioconcentration Factor
Utilizing the Bioconcentration Factor
Listing of Derived Criteria

APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818, effective June 22, 1982; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990.

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.100 Definitions

Unless otherwise specified, the definitions of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and 35 Ill. Adm. Code 301 apply to this Part. As used in this Part, each of the following definitions has the specified meaning.

"Acute Toxicity" means the capacity of any substance or combination of substances to cause mortality or other adverse effects in an organism resulting from a single or short-term exposure to the substance.

"Adverse Effect" means any gross or overt effect on an organism, including but not limited to reversible histopathological damage, severe convulsions, irreversible functional impairment and lethality, as well as any non-overt effect on an organism resulting in functional impairment or pathological lesions which may affect the performance of the whole organism, or which reduces an organism's ability to respond to an additional challenge.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Chronic Toxicity" means the capacity of any substance or combination of substances to cause injurious or debilitating effects in an organism which result from exposure for a time period representing a substantial portion of the natural life cycle of that organism, including but not limited to the growth phase, the reproductive phases or such critical portions of the natural life cycle of that organism.

"Criterion" means the numerical concentration of one or more toxic substances derived in accordance with the procedures in Subpart F which, if not exceeded, would assure compliance with the narrative toxicity standard of Section 302.210.

"Hardness" means a water quality parameter or characteristic consisting of the sum of calcium and magnesium concentrations expressed in terms of equivalent milligrams per liter as calcium carbonate. Hardness is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Mixing Zone" means a portion of the waters of the State identified as a region within which mixing is allowed pursuant to Section 302.102(d).

"Total Residual Chlorine" or "TRC" means those substances which include combined and uncombined forms of both chlorine and bromine and which are expressed, by convention, as an equivalent concentration of molecular chlorine. TRC is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Toxic Substance" means a chemical substance which causes adverse effects in humans, or in aquatic or terrestrial animal or plant life. Toxic substances include, but are not limited to those substances listed in 40 CFR 302.4, incorporated by reference in 35 Ill. Adm. Code 301.106, or any "chemical substance" as defined by the Illinois Chemical Safety Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, par. 951 et seq.)

"ZID" or "Zone of Initial Dilution" means a portion of a mixing zone, identified pursuant to Section 302.102(e), within which acute toxicity standards need not be met.

(Source: Added at 14 Ill. Reg. 2899, effective February 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.101 Scope and Applicability

a) Part 302 This Part contains schedules of water quality standards which are applicable throughout the State as designated in Part 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water use designations in Part 35 Ill. Adm. Code 303.

b) Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (Section 35 Ill. Adm. Code 303.201).

c) Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the point at which water is drawn for treatment and distribution as a potable supply or for food processing (Section 35 Ill. Adm. Code 303.202).

d) Subpart D contains the secondary contact and indigenous aquatic life standards. These standards must be met only by certain waters designated in Section 35 Ill. Adm. Code 303.204 and 303.441.

e) Subpart E contains the Lake Michigan water quality standards. These are cumulative with the Subpart B and C standards and must be met by the waters of Lake Michigan and such other waters as may be designated in Part 35 Ill. Adm. Code 303 (Section 35 Ill. Adm. Code 303.443).

f) Subpart F contains the procedures for determining each of the criteria designated in Section 302.210.

†g) Unless the contrary is clearly indicated, all references to "parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.102 Allowed Mixing, Mixing Zones and ZIDs

a) in the application of this Chapter Whenever a water quality standard is more restrictive than its corresponding effluent standard, or where there is no

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

corresponding effluent standard specified at 35 Ill. Adm. Code 304, then an opportunity shall be allowed for the compliance with 35 Ill. Adm. Code 304.105 by mixture of an effluent with its receiving waters, provided the discharger has made every effort to comply with the requirements of 35 Ill. Adm. Code 304.102. Water quality standards must be met at every point outside of the mixing zone. The size of the mixing zone cannot be uniformly prescribed. The governing principle is that the proportion of any body of water or segment thereof within mixing zones must be quite small if the water quality standards are to have any meaning. This principle shall be applied on a case-by-case basis to ensure that neither any individual source nor the aggregate of sources shall cause excessive zones to exceed the standards. The water quality standards must be met in the bulk of the body of water and no body of water may be used totally as a mixing zone for a single outfall or combination of outfalls. Moreover, except as otherwise provided in this Chapter, no single mixing zone shall exceed the area of a circle with a radius of 103 m (600 feet). Single sources of effluents which have more than one outfall shall be limited to a total mixing area no larger than that allowable if a single outfall were used.

b) In determining the size of the mixing zone for any discharger, the following must be considered: The

portion, volume and area of any receiving waters within which mixing is allowed pursuant to subsection (a) shall be limited by the following:

- 1) The character of the body of water; Mixing must be confined in an area or volume of the receiving water no larger than the area or volume which would result after incorporation of outfall design measures to attain optimal mixing efficiency of effluent and receiving waters. Such measures may include, but are not limited to, use of diffusers and engineered location and configuration of discharge points.
- 2) the present and anticipated future use of the body of water; Mixing is not allowed in waters which include a tributary stream entrance if such mixing occludes the tributary mouth or otherwise restricts the movement of aquatic life into or out of the tributary.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) the present and anticipated water quality of the body of water; Mixing is not allowed in waters adjacent to bathing beaches, bank fishing areas, boat ramps or dockages or any other public access area.
- 4) the effect of the discharge on the present and anticipated future water quality; Mixing is not allowed in waters containing mussel beds, endangered species habitat, fish spawning areas, areas of important aquatic life habitat, or any other natural features vital to the well being of aquatic life in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.
- 5) the dilution ratio; and Mixing is not allowed in waters which contain intake structures of public or food processing water supplies, points of withdrawal of water for irrigation, or watering areas accessed by wild or domestic animals.
- 6) the nature of the contaminant; Mixing must allow for a zone of passage for aquatic life in which water quality standards are met.
- 7) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing, must not intersect any area or volume of any body of water in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.
- 8) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing, must not contain more than 25% of the cross-sectional area or volume of flow of a stream except for those streams where the dilution ratio is less than 3:1. Mixing is not allowed in receiving waters which have a zero minimum seven day low flow which occurs once in ten years.
- 9) No mixing is allowed where the water quality standard for the constituent in question is already violated in the receiving water.
- 10) No body of water may be used totally for mixing of a single outfall or combination of outfalls.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

11) Single sources of effluents which have more than one outfall shall be limited to a total area and volume of mixing no larger than that allowable if a single outfall were used.

12) The area and volume in which mixing occurs must be as small as is practicable under the limitations prescribed in this subsection, and in no circumstances may the mixing encompass a surface area larger than 26 acres.

c) In addition to the above, the mixing zone shall be so designed as to assure a reasonable zone of passage for aquatic life in which the water quality standards are met. The mixing zone shall not intersect any area of any such waters in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected, nor shall any mixing zone contain more than 25% of the cross-sectional area or volume of flow of a stream except for those streams where the dilution ratio is less than 3:1. All water quality standards of this Part must be met at every point outside of the area and volume of the receiving water within which mixing is allowed. The acute toxicity standards of Sections 302.208 and 302.210 must be met within the area and volume within which mixing is allowed, except as provided in subsection (e).

d) Pursuant to the procedures of Section 39 of the Act and 35 Ill. Adm. Code 309, a person may apply to the Agency to include as a condition in an NPDES permit formal definition of the area and volume of the waters of the State within which mixing is allowed for the NPDES discharge in question. Such formally defined area and volume of allowed mixing shall constitute a "mixing zone" for the purposes of 35 Ill. Adm. Code: Subtitle C. Upon proof by the applicant that a proposed mixing zone conforms with the requirements of Section 39 of the Act, this Section and any additional limitations as may be imposed by the Clean Water Act (CWA) (33 U.S.C 1251 et seq.), the Act or Board regulations, the Agency shall, pursuant to Section 39(b) of the Act, include within the NPDES permit a condition defining the mixing zone.

e) Pursuant to the procedures of Section 39 of the Act and 35 Ill. Adm. Code 309, a person may apply to the Agency to include as a condition in an NPDES permit a ZID as a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

component portion of a mixing zone. Such ZID shall, at a minimum, be limited to waters within which effluent dispersion is immediate and rapid. For the purposes of this subsection, "immediate" dispersion means an effluent's merging with receiving waters without delay in time after its discharge and within close proximity of the end of the discharge pipe, so as to minimize the length of exposure time of aquatic life to undiluted effluent, and "rapid" dispersion means an effluent's merging with receiving waters so as to minimize the length of exposure time of aquatic life to undiluted effluent. Upon proof by the applicant that a proposed ZID conforms with the requirements of Section 39 of the Act and this Section, the Agency shall, pursuant to Section 39(b) of the Act, include within the NPDES permit a condition defining the ZID.

f) pursuant to Section 39 of the Act and 35 Ill. Adm. Code 309.103, an applicant for an NPDES permit shall submit data to allow the Agency to determine that the nature of any mixing zone or mixing zone in combination with a ZID conforms with the requirements of Section 39 of the Act and of this Section. A permittee may appeal Agency determinations concerning a mixing zone or ZID pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 309.181.

g) Where a mixing zone is defined in an NPDES permit, the waters within that mixing zone, for the duration of the NPDES permit, shall constitute the sole waters within which mixing is allowed for the permitted discharge. It shall not be a defense in any action brought pursuant to 35 Ill. Adm. Code 304.105 that the area and volume of waters within which mixing may be allowed pursuant to subsection (b) is less restrictive than the area or volume or waters encompassed in the mixing zone.

h) Where a mixing zone is explicitly denied in an NPDES permit, no waters may be used for mixing by the discharge to which the NPDES permit applies, all other provisions of this Section notwithstanding.

i) Where an NPDES permit is silent on the matter of a mixing zone, or where no NPDES permit is in effect, the burden of proof shall be on the discharger to demonstrate compliance with this Section in any action brought pursuant to 35 Ill. Adm. Code 304.105.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.103 Stream Flows

Except as otherwise provided in this Chapter with respect to temperature, the water quality standards in this Part shall apply at all times except during periods when flows are less than the average minimum seven day low flow which occurs once in ten years.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.203 Unnatural Sludge Offensive Conditions

Waters of the State shall be free from unnatural sludge or bottom deposits, floating debris, visible oil, odor, unnatural plant or algal growth, unnatural color or turbidity of other than natural origin, for matter of other than natural origin in concentrations or combinations toxic or harmful to human plant or aquatic life. The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.208 Numeric Standards for Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORED NUMBER	CONCENTRATION (mg/L)
Arsenic (total)	01002	1.0
Barium (total)	01007	5.0
Boron (total)	01022	1.0
Cadmium (total)	01027	0.05
Chloride	00940	500
Chromium (total hexavalent)	01032	0.05
Chromium (total trivalent)	01033	1.0
Copper (total)	01042	0.02
Cyanide	00720	0.025
Fluoride	00951	1.4
Iron (total)	01045	1.0
Lead (total)	01051	0.1
Manganese (total)	01055	1.0
Mercury (total)	71900	0.0005
Nickel (total)	01067	1.0
Phenols	32730	0.1
Selenium (total)	01147	1.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Silver (total) 01077 0.005
Sulfate 00945 500
Total Dissolved Solids 70300 1000
Zinc 01092 1.0

- a) The acute standard (AS) for the chemical constituents listed in subsection (d) shall not be exceeded at any time except as provided in subsection (c).
- b) The chronic standard (CS) for the chemical constituents listed in subsection (d) shall not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except as provided in subsection (c). The samples used to demonstrate compliance or lack of compliance with a CS must be collected in a manner which assures an average representative of the sampling period.

- c) In waters where mixing is allowed pursuant to Section 302.102, the following apply:

- 1) The AS shall not be exceeded in any waters except for those waters for which the Agency has approved a ZID pursuant to Section 302.102;
- 2) The CS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.

Constituent	STORED Number	AS (ug/L)	CS (ug/L)
Arsenic (total)	01002	360	190
Cadmium (total)	01027	exp[A + Bln(H)], but not to exceed 50 ug/L, where A = -2.918 and B = 1.128	exp[A + Bln(H)], where A = -3.490 and B = 0.7852
Chromium (total hexavalent)	01032	16	11
Chromium (total trivalent)	01033	exp[A + Bln(H)], where A = 3.688 and B = 0.8190	exp[A + Bln(H)], where A = 1.561 and B = 0.8190

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Copper (total)	01042	$\frac{\exp[A + B \ln(H)]}{\text{where } A = -1.464 \text{ and } B = 0.9422}$	$\frac{\exp[A + B \ln(H)]}{\text{where } A = -1.465 \text{ and } B = 0.8545}$
Cyanide	00718	22	5.2
Lead (total)	01051	$\frac{\exp[A + B \ln(H)]}{\text{but not to exceed } 100 \text{ ug/L, where } A = -1.460 \text{ and } B = 1.273}$	Not Applied
Mercury	71900	0.5	Not Applied
TRC	50060	19	11

where: $\text{ug/L} = \text{microgram per liter,}$

$\exp[x] = \text{base of natural logarithms}$
raised to the x-power, and

$\ln(H) = \text{natural logarithm of Hardness}$
(STORET 00900).

e) Concentrations of the following chemical constituents shall not be exceeded except in waters for which mixing is allowed pursuant to Section 302.102.

Constituent	Units	STORET Number	Standard
Barium (total)	mg/L	01007	5.0
Boron (total)	mg/L	01022	1.0
Chloride (total)	mg/L	00940	500.
Fluoride	mg/L	00951	1.4
Manganese (total)	mg/L	01055	1.0
Nickel (total)	mg/L	01067	1.0
Phenols	mg/L	32730	0.1
Selenium (total)	mg/L	01147	1.0
Silver (total)	ug/L	01077	5.0
Sulfate	mg/L	00945	500.
Total Dissolved	mg/L	70300	1000.
Solids			
zinc (total)	mg/L	01092	1.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where: $\text{mg/L} = \text{milligram per liter and}$
 $\text{ug/L} = \text{microgram per liter}$

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)
Section 302.210 Substances Toxic to Aquatic Life Other Toxic Substances

Any substance toxic to aquatic life shall not exceed one-tenth of the 96-hour median tolerance limit (96-hr TBM) for native fish or essential fish food organisms, except for

Waters of the State shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. Individual chemical substances or parameters for which numeric standards are specified in this Subpart are not subject to this Section.

a) Any substance or combination of substances shall be deemed to be toxic or harmful to aquatic life if present in concentrations that exceed the following:

1) An Acute Aquatic Toxicity Criterion (AATC) validly derived and correctly applied pursuant to procedures set forth in Sections 302.612 through 302.618 or in Section 302.621; or

2) A Chronic Aquatic Toxicity Criterion (CATC) validly derived and correctly applied pursuant to procedures set forth in Sections 302.627 or 302.630.

b) Any substance or combination of substances shall be deemed to be toxic or harmful to wild or domestic animal life if present in concentrations that exceed any Wild and Domestic Animal Protection Criterion (WDAPC) validly derived and correctly applied pursuant to Section 302.633.

c) Any substance or combination of substances shall be deemed to be toxic or harmful to human health if present in concentrations that exceed criteria, validly derived and correctly applied, based on either of the following:

1) Disease or functional impairment due to a physiological mechanism for which there is a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

threshold dose below which no damage occurs calculated pursuant to Sections 302.642 through 302.648 (Human Threshold Criterion); or

- 2) Disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage calculated pursuant to Sections 302.651 through 302.658 (Human Nonthreshold Criterion).
- d) The most stringent criterion of subsections (a), (b), and (c) shall apply at all points outside of any waters within which mixing is allowed pursuant to Section 302.102. In addition, the AATC derived pursuant to subsection (a)(1) shall apply in all waters except that it shall not apply within a ZID that is prescribed in accordance with Section 302.102.
- e) The procedures of Subpart F set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria pursuant to subsections (a), (b), and (c). No other procedures may be used to establish such criteria unless approved by the Board in a rulemaking or adjusted standards proceeding pursuant to Title VII of the Act. The validity and applicability of the Subpart F procedures may not be challenged in any proceeding brought pursuant to Titles VIII or X of the Act, although the validity and correctness of application of the numeric criteria derived pursuant to Subpart F may be challenged in such proceedings pursuant to subsection (f).
- f) 1) A permittee may challenge the validity and correctness of application of a criterion derived by the Agency pursuant to this Section only at the time such criterion is first applied in an NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion at the time of its first application shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion to that person.
- 2) Consistent with subsection (f)(1), if a criterion is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- challenge the criterion in a permit appeal pursuant to Section 40 of the Act and 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion, whether such information was developed by the Agency or submitted by the Petitioner. THE BURDEN OF PROOF SHALL BE ON THE PETITIONER TO DEMONSTRATE THAT THE CRITERION-BASED CONDITION IS NOT NECESSARY TO ACCOMPLISH THE PURPOSES OF SUBSECTION (a) (Section 40(a)(1) of the Act), but there is no presumption in favor of the general validity and correctness of the application of the criterion as reflected in the challenged condition.
- 3) Consistent with subsection (f)(1), in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion, the person bringing such action shall have the burdens of going forward with proof and of persuasion regarding the general validity and correctness of application of the criterion.
 - g) Subsections (a) through (e) do not apply to USEPA registered pesticides approved for aquatic application and applied pursuant to the following conditions:
 - a) Application shall be made in strict accordance with label directions;
 - b) Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
 - c) Applications of aquatic pesticides must be in accordance with the laws, regulations and guidelines of all State and federal agencies authorized by law to regulate, use or supervise pesticide applications, among which are included the Illinois Department of Agriculture and the Illinois Department of Public Health pursuant to 217 Rev. Stat. 1979 ch. 57 pars. 256 through 267 and the Department of Energy and Natural Resources pursuant to Section 3 of "AN ACT in relation to natural resources, research, data collection and environmental studies", Ill. Rev. Stat. 1979 ch. 96 1/2, par. 7403.

NOTICE OF ADOPTED AMENDMENTS

d4) No aquatic pesticide shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits shall be issued so as not to cause a violation of the Act or of any of the Board's rules or regulations. To aid applicators in determining their responsibilities under this subsection, a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Amended at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

SUBPART F: PROCEDURES FOR DETERMINING
WATER QUALITY CRITERIA

Section 302.601 Scope and Applicability

This Subpart contains the procedures for determining the water quality criteria set forth in Section 302.210(a), (b) and (c).

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.603 Definitions

As used in this Subpart, the following terms shall have the meanings specified.

"Bioconcentration" means an increase in concentration of a chemical and its metabolites in an organism (or specified tissues thereof) relative to the concentration of the chemical in the ambient water acquired through contact with the water alone.

"Carcinogen" means a chemical which causes an increased incidence of benign or malignant neoplasms, or a statistically significant decrease in latency period between exposure and onset of neoplasms in at least one mammalian species or man through epidemiological or clinical studies.

"EC-50" means the concentration of a substance or effluent which causes a given effect to 50% of the exposed organisms in a given time period.

"LC-50" means the concentration of a toxic substance or effluent which is lethal to 50% of the exposed organisms in a given time period.

"LOAEL" or "Lowest Observable Adverse Effect Level" means the lowest tested concentration of a chemical or substance which produces a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control.

"MATC" or "Maximum Acceptable Toxicant Concentration" means the value obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration which did not cause the occurrence of a specified adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specified adverse effect and above which all tested concentrations caused such an occurrence.

"NOAEL" or "No Observable Adverse Effect Level" means the highest tested concentration of a chemical or substance which does not produce a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control.

"Resident or Indigenous Species" means species which currently live a substantial portion of their lifecycle or reproduce in a given body of water, or which are native species whose historical range includes a given body of water.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.604 Mathematical Abbreviations

The following mathematical abbreviations have been used in this Subpart:

exp x	base of the natural logarithm, e, raised to x-power
ln x	natural logarithm of x
log x	logarithm to the base 10 of x
A**B	A raised to the B-power
SUM(x)	summation of the values of x

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.606Data Requirements

The Agency shall review, for validity, applicability and completeness, data used in calculating criteria. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards organizations, including but not limited to those methods found in "Standard Methods", incorporated by reference in 35 Ill. Adm. Code 301.106, or approved by the American Society for Testing and Materials as incorporated by reference in 35 Ill. Adm. Code 301.106.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.612

Determining the Acute Aquatic Toxicity
Criterion for an Individual Substance -
General Procedures

- a) A chemical specific Acute Aquatic Toxicity Criterion (AATC) is calculated using procedures specified in Sections 302.615 and 302.681 if acute toxicity data are available for at least five (5) resident or indigenous species from five (5) different North American genera of freshwater organisms including representatives of the following taxa:

- 1) Representatives of two families in the Class Osteichthyes (Bony Fishes).
- 2) The family Daphnidae.
- 3) A benthic aquatic macroinvertebrate.
- 4) A vascular aquatic plant or a third family in the Phylum Chordata which may be from the Class Osteichthyes.

- b) If data are not available for resident or indigenous species, data for non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance. The procedures of Section 302.615 must be used to obtain an AATC for individual substances whose toxicity is unaffected by ambient water quality characteristics. The procedures of Section 302.618 must be used if the toxicity of a substance is dependent upon some other water quality characteristic.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) If data are not available that meet the requirements of subsection (a), an AATC is calculated by obtaining at least one EC-50 or LC-50 value from both a daphnid species and either fathead minnow or bluegill. If there are data available for any other North American freshwater species, they must also be included. An AATC is calculated by dividing the lowest Species Mean Acute Value (SMAV), as determined according to Section 302.615, by 10.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.615

Determining the Acute Aquatic Toxicity
Criterion - Toxicity Independent of Water
Chemistry

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including but not limited to, hardness, pH, temperature, etc., the AATC is calculated by using the procedures below.

- a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- c) The GMAVs are ordered from high to low.
- d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.
- e) The cumulative probability, P, is calculated for each GMAV as $R/(N + 1)$.
- f) The GMAVs to be used in the calculations of subsection (g) must be those with cumulative probabilities closest to 0.05. If there are less than 59 GMAVs in the total data set, the values utilized must be the lowest obtained through the ranking procedures of subsections (c) and (d). "n" is the number of GMAV's which are to be used in the calculations of subsection (g). T is equal to 4 when the data set includes at least one

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

representative from each of the five taxa in Section 302.612 and a representative from each of the three taxa listed below. T is equal to 3 when the data includes at least one representative from each of the five taxa in Section 302.612 and from one or two of the taxa listed below. T is equal to 2 when the data set meets the minimum requirements of Section 302.612 but does not include representatives from any of the three taxa listed below. When toxicity data on any of the three taxa listed below are available, they must be used along with the minimum data required pursuant to Section 302.612.

- 1) A benthic crustacean, unless such was used pursuant to Section 302.612(a)(3), in which case an insect must be utilized.
- 2) A member of a phylum not used in subsections (a), (b) or f(1).
- 3) An insect from an order not already represented.

g) Using the GMAVs and T-value identified pursuant to subsection (f) and the Ps calculated pursuant to subsection (e), the Final Acute Value (FAV) and the AATC are calculated as:

$$FAV = \exp(A) \text{ and}$$

$$AATC = FAV/2$$

Where:

$$A = L + 0.2236 S;$$

$$L = [\text{SUM}(\ln \text{GMAV}) - S(\text{SUM}(P^{**0.5}))]/T; \text{ and}$$

$$S = \frac{[(\text{SUM}(\ln \text{GMAV})^{**2}) - ((\text{SUM}(\ln \text{GMAV}))^{**2})/T]/[\text{SUM}(P) - ((\text{SUM}(P^{**0.5}))^{**2})/T]}{**0.5}.$$

h) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, or prevent disruptions of the waterbody's ecosystem, including but not limited to loss of species diversity or a shift to a biotic community dominated by pollution-tolerant species, will not be protected by the

calculated FAV, then the EC-50 or LC-50 for that species is used as the FAV.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.618

Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, an Acute Aquatic Toxicity Criterion (AATC) may be calculated. The best documented relationship is that between the water quality characteristic, hardness and acute toxicity of metals. Although this relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e. for any variable, $K, f(K) = \log_{10} \text{ of } K$) of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e. for any variable, $K, f(K) = K$) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An AATC is calculated using the following procedures.

a)

For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAT) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.

b)

Each of the slopes determined pursuant to subsection (a) is evaluated as to whether or not it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar, or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the AATC must be calculated using the procedures in Section 302.615.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

c) Normalize the TAT values for each species by subtracting W, the arithmetic mean of the TAT values of a species from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).

d) Normalize the TWQC values for each species using X, the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c).

e) Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope, V.

f) For each species, the graphical intercept representing the species TAT intercept, f(Y), at a specific selected value, Z, of the WQC is calculated using the equation:

$$f(Y) = W - V(X - g(Z))$$

Where:

f() is the transformation used to convert acute toxicity values to TAT values;

Y is the species acute toxicity intercept or species acute intercept;

W is the arithmetic mean of the TAT values as specified in subsection (c);

V is the pooled acute slope as specified in subsection (e);

X is the arithmetic mean of the TWQC values as specified in subsection (d);

g() is the transformation used to convert the WQC values to TWQC values; and

Z is a selected value of the WQC.

g) For each species, determine the species acute intercept, Y, by carrying out an inverse transformation of the species TAT value, f(Y). For example, in the case of a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

logarithmic transformation, Y = antilogarithm of (f(Y)); or in the case where no transformation is used, Y = f(Y).

h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (g), in accordance with the procedures described in Section 302.615(b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.

i) The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two.

j) The AATC at any value of the WQC, denoted by WQCx, is calculated using the terms defined in subsection (f) and the equation:

$$AATC = \exp[V(g(WQCx) - g(Z)) + f(AAI)].$$

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.621

Determining the Acute Aquatic Toxicity Criterion - Procedure for Combinations of Substances

An AATC for any combination of substances (including effluent mixtures) must be determined by the following toxicity testing procedures:

a) Not more than 50% of test organisms from the most sensitive species tested may exhibit mortality or immobility after a 48-hour test for invertebrate or a 96-hour test for fishes.

b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.627

Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) A chemical-specific Chronic Aquatic Toxicity Criterion (CATC) is calculated using procedures specified in subsection (b) when chronic toxicity data are available for at least five species from five different North American genera of freshwater organisms, including representatives from the following taxa:

- 1) Representatives of two families in the Class Osteichthyes (Bony Fishes).
- 2) The family Daphnidae.
- 3) A benthic aquatic macroinvertebrate.
- 4) An alga (96-hour test) or a vascular aquatic plant.

b) A CATC is derived in the same manner as the FAV in Sections 302.615 or 302.618 by substituting CATC for FAV or FAI, chronic for acute, MATC for LC-50, SMCV (Species Mean Chronic Value) for SMAV, and GMCV (Genus Mean Chronic Value) for GMAV.

c) If data are not available to meet the requirements of subsection (a), a CATC is calculated by dividing the FAV by the highest acute-chronic ratio obtained from at least one fish and one invertebrate species. The acute-chronic ratio for a species equals the acute toxicity concentration from data considered under Sections 302.612 through 302.618, divided by the chronic toxicity concentration from data calculated under subsections (a) and (b) subject to the following conditions:

1) If the toxicity of a substance is related to any water quality characteristic (WQC), the acute-chronic ratio must be based on acute and chronic toxicity data obtained from organisms exposed to test water with WQC values that are representative of the WQC values of the waterbody under consideration. Preference under this subsection must be given to data from acute and chronic tests done by the same author or in the same reference in order to increase the likelihood of comparable test conditions.

2) If the toxicity of a substance is unrelated to water quality parameters, the acute-chronic ratio may be derived from any acute and chronic test on a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

species regardless of the similarity in values of those water quality parameters. Preference under this subsection must be given to data from acute and chronic tests done on the same organisms or their descendants.

3) If there is more than one acute-chronic ratio for a species, a geometric mean of the ratio is calculated, corrected for the relationship of toxicity to water quality parameters.

4) If the acute and chronic toxicity data indicate that the acute-chronic ratio varies with changes in water quality parameters, the acute-chronic ratio used over specified values of the water quality parameters must be based on the ratios at water quality parameter values closest to those specified.

5) If acute and chronic toxicity data are unavailable to determine an acute-chronic ratio for at least two North American freshwater species, a ratio of 25 shall be used.

d) If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities, or prevent disruptions of the waterbody's ecosystem, including but not limited to loss of species diversity or a shift to a biotic community dominated by pollution-tolerant species, will not be protected by the calculated CATC, then the MATC for that species is used as the CATC.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combinations of Substances

A CATC for any combination of substances (including effluent mixtures) may be determined by toxicity testing procedures pursuant to the following:

a) No combination of substances may exceed concentrations greater than a NOAEL as determined for the most sensitive of the species tested.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.633 The Wild and Domestic Animal Protection Criterion

The Wild and Domestic Animal Protection Criterion (WDAPC) is the concentration of a substance which if not exceeded protects Illinois wild and domestic animals from adverse effects, such as functional impairment or pathological lesions, resulting from ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State.

- a) For those substances for which a NOAEL has been derived from studies of mammalian or avian species exposed to the substance via oral routes including gavage, the lowest NOAEL among species must be used in calculating the WDAPC. Additional considerations in selecting NOAEL include:

1) If the NOAEL is given in milligrams of toxicant per liter of water consumed (mg/L), prior to calculating the WDAPC, the NOAEL must be multiplied by the daily average volume of water consumed by the test animals in liters per day (L/d) and divided by the average weight of the test animals in kilograms (kg).

2) If the NOAEL is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the WDAPC, the NOAEL must be multiplied by the average amount of food in kilograms consumed daily by the test animals (kg/d) and divided by the average weight of the test animals in kilograms (kg).

3) If the animals used in a study were not exposed to the toxicant each day of the test period, the NOAEL must be multiplied by the ratio of days of exposure to the total days in the test period.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) If more than one NOAEL is available for the same animal species, the geometric mean of the NOAELs must be used to calculate the WDAPC.

b) For those substances for which a NOAEL is not available but the lowest observed adverse effect level (LOAEL) has been derived from studies of animal species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL shall be substituted for the NOAEL.

c) The LOAEL must be selected in the same manner as that specified for the NOAEL in subsection (a).

d) The WDAPC, measured in milligrams per liter (mg/L), is calculated according to the equation:

$$\text{WDAPC} = [0.1 \text{ NOAEL} \times \text{Wt}] / [\text{W} + (\text{F} \times \text{BCF})]$$

Where:

NOAEL is derived from mammalian or avian studies as specified in subsection (a) and (b), and is measured in units of milligrams of substance per kilogram of body weight per day (mg/kg-d);

Wt = Average weight in kilograms (kg) of the test animals;

W = Average daily volume of water in liters consumed per day (L/d) by the test animals;

F = Average daily amount of food consumed by the test animals in kilograms (kg/d);

BCF = Aquatic life Bioconcentration Factor with units of liter per kilogram (L/kg), as derived in Sections 302.660 through 302.666; and

The 0.1 represents an uncertainty factor to account for species variability.

e) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

NOTICE OF ADOPTED AMENDMENTS

Section 302.642 The Human Threshold Criterion

The Human Threshold Criterion (HTC) of a substance is that concentration or level of a substance at which humans are protected from adverse effects resulting from incidental exposure to, or ingestion of, surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State. HTCs are derived for those toxic substances for which there exists a threshold dosage or concentration below which no adverse effect or response is likely to occur.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.645 Determining the Acceptable Daily Intake

The Acceptable Daily Intake (ADI) is the maximum amount of a substance which, if ingested daily for a lifetime, results in no adverse effects to humans. Subsections (a) through (e) list, in the order of preference, methods for determining the acceptable daily intake.

a) The lowest of the following ADI values:

- 1) For those substances which are listed with a maximum contaminant level in 40 CFR 141, incorporated by reference in 35 Ill. Adm. Code 301.106, or in 35 Ill. Adm. Code 611, the ADI equals the product of multiplying the maximum contaminant level given in milligrams per liter (mg/L) by 2 liters per day (L/d).
- 2) For those substances which are listed with a maximum allowable concentration standard in 35 Ill. Adm. Code: Subtitle F, the acceptable daily intake equals the product of multiplying the public health enforcement standard given in milligrams per liter (mg/L) by 2 liters per day (L/d).
- b) For those substances for which a no observed adverse effect level (NOAEL-H) for humans exposed to the substance in drinking water has been derived, the acceptable daily intake equals the product of multiplying one-tenth of the NOAEL-H given in milligrams of toxicant per liter of water consumed (mg/L) by 2 liters per day (L/d). The lowest NOAEL-H must be used in the calculation of the acceptable daily intake.

NOTICE OF ADOPTED AMENDMENTS

c)

For those substances for which the lowest observed adverse effect level (LOAEL-H) for humans exposed to the substance in drinking water has been derived, one-hundredth of the LOAEL-H may be substituted for the NOAEL-H in subsection (b).

d)

For those substances for which a no observed adverse effect level (NOAEL-A) has been derived from studies of mammalian test species exposed to the substance via oral routes including gavage, the acceptable daily intake equals the product of multiplying 1/100 of the NOAEL-A given in milligrams toxicant per day per kilogram of test species weight (mg/kg-d) by the average weight of an adult human of 70 kilograms (kg). The lowest NOAEL-A among animal species must be used in the calculation of the acceptable daily intake. Additional considerations in selecting the NOAEL-A include:

- 1) If the NOAEL-A is given in milligrams of toxicant per liter of water consumed (mg/L) then, prior to calculating the acceptable daily intake, the NOAEL-A must be multiplied by the daily average volume of water consumed by the mammalian test species in liters per day (L/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- 2) If the NOAEL-A is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the acceptable daily intake the NOAEL-A must be multiplied by the average amount in kilograms of food consumed daily by the mammalian test species (kg/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- 3) If the mammalian test species were not exposed to the toxicant each day of the test period, the NOAEL-A must be multiplied by the ratio of days of exposure to the total days of the test period.
- 4) If more than one NOAEL-A is available for the same mammalian test species, the geometric mean of the NOAEL-As must be used.
- e) For those substances for which a NOAEL-A is not available but the lowest observed adverse effect level (LOAEL-A) has been derived from studies of mammalian

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

test species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL-A may be substituted for the NOAEL-A in subsection (d). The LOAEL-A must be selected in the same manner as that specified for the NOAEL-A in subsection (d).

- f) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.648 Determining the Human Threshold Criterion

The HTC is calculated according to the equation:

$$HTC = ADI/[W + (F \times BCF)]$$

Where:

HTC = Human health protection criterion in milligrams per liter (mg/L);

ADI = Acceptable daily intake of substance in milligrams per day (mg/d) as specified in Section 302.645;

W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section 302.201(b)(3), or 0.001 liters per day (L/d) for other General Use waters;

F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and

BCF = Aquatic organism Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Sections 302.660 through 302.666.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.651

The Human Nonthreshold Criterion

The Human Nonthreshold Criterion (HNC) of a substance is that concentration or level of a substance at which humans are protected from an unreasonable risk of disease caused by a nonthreshold toxic mechanism as a result of incidental exposure to or ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State. HNCs are derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage as specified in subsections (a) and (b).

- a) For single substances, a risk level of one in one million (1 in 1,000,000) shall be allowed (i.e., considered acceptable) for the purposes of determination of an HNC.

- b) For mixtures of substances, an additive risk level of one in one hundred thousand (1 in 100,000) shall be allowed (i.e., considered acceptable) for the purposes of determination of an HNC.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.654 Determining the Risk Associated Intake

The Risk Associated Intake (RAI) is the maximum amount of a substance which if ingested daily for a lifetime is expected to result in the risk of one additional case of human cancer in a population of one million. Where more than one carcinogenic chemical is present, the RAI shall be based on an allowed additive risk of one additional case of cancer in a population of one hundred thousand. The RAI must be derived as specified in subsections (a) through (c).

- a) For those substances for which a human epidemiologic study has been performed, the RAI equals the product of the dose from exposure in units of milligrams toxicant per kilogram body weight per day (mg/kg-d) that results in a 70-year lifetime cancer probability of one in one million, times the average weight of an adult human of 70 kilograms (kg). The resulting RAI is expressed in milligrams toxicant per day (mg/d). If more than one human epidemiologic study is available, the lowest exposure level resulting in a 70-year lifetime probability of cancer equal to a ratio of one in one hundred thousand must be used in calculating the RAI.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

b) In the absence of an epidemiologic study, for those toxic substances for which a carcinogenic potency factor (CPF) has been derived from studies of mammalian test species the risk associated intake is calculated from the equation:

$$RAI = K/CPF$$

Where:

RAI = Risk associated intake in milligrams per day (mg/d);

K = A constant consisting of the product of the average weight of an adult human, assumed to be 70 kg, and the allowed cancer risk level of one in one million (1/1,000,000); and

CPF = Carcinogenic Potency Factor is the risk of one additional cancer per unit dose from exposure. The CPF is expressed in units of inverse milligrams per kilogram-day (1/mg/kg-d) as derived in subsections (b)(1) through (b)(7).

1) Only those studies which fulfill the data requirement criteria of Section 302.606 shall be used in calculating the CPF.

2) The linear non-threshold dose-response relationship developed in the same manner as in the USEPA document "Mutagenicity and Carcinogenicity Assessment of 1,3-butadiene", incorporated by reference in 35 Ill. Adm. Code 301.106, shall be used in obtaining the unit risk, defined as the 95th percentile upper bound risk of one additional cancer resulting from a life time exposure to a unit concentration of the substance being considered. The CPF shall be estimated from the unit risk in accordance with subsection (b)(7). In calculating a CPF, the Agency must review alternate scientifically valid protocols if so requested.

3) If in a study of a single species more than one type of tumor is induced by exposure to the toxic substance, the highest of the CPFs is used.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

4) If two or more studies vary in either species, strain or sex of the test animal, or in tumor type, the highest CPF is used.

5) If more than one tumor of the same type is found in some of the test animals, these should be pooled so that the dose response relationship is dose versus number of tumors per animal. The potency estimate for this dose response relationship is used if it is higher than estimates resulting from other methods.

6) If two or more studies are identical regarding species, strain and sex of the test animal, and tumor type, the highest of the CPFs is used.

7) Calculation of an equivalent dose between animal species and humans using a surface area conversion, and conversion of units of exposure to dose in milligrams of toxicant per kilogram of body weight per day (mg/kg-d) must be performed as specified in the USEPA document "Mutagenicity and Carcinogenicity Assessment of 1,3-butadiene", incorporated by reference in 35 Ill. Adm. Code 301.106.

c) If both a human epidemiologic study and a study of mammalian test species are available for use in subsections (a) and (b), the risk associated intake is determined as follows:

1) When the human epidemiologic study provides evidence of a carcinogenic effect on humans, the RAI is calculated from the human epidemiology study as specified in subsection (a).

2) When the mammalian study provides evidence of a carcinogenic effect on humans, but the human epidemiologic study does not, a cancer risk to humans is assumed and the risk associated intake is calculated as specified in subsection (b).

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.657 Determining the Human Nonthreshold Criterion

The HNC is calculated according to the equation:

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

$$HNC = RAI/[W + (F \times BCF)]$$

Section 302.660 Bioconcentration Factor

Where:

HNC = Human Nonthreshold Protection Criterion in milligrams per liter (mg/L);

RAI = Risk Associated Intake of a substance in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of one to 1,000,000 as derived in Section 302.654;

W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section 302.201(b)(3), or 0.001 liters per day (L/d) for other General Use waters;

F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and

BCF = Aquatic Life Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Section 302.663.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.658 Stream Flow for Application of Human Nonthreshold Criterion

The HNC shall apply at all times except during periods when flows are less than the harmonic mean flow (Q_{hm}), as determined by:

$$Q_{hm} = N / \sum (1/Q_i)$$

Where:

Q_{hm} = harmonic mean flow,

N = number of daily values for stream flows, and

Q_i = daily streamflow value on day i.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 302.660 Bioconcentration Factor

A Bioconcentration Factor is used to relate substance residue in aquatic organisms to the concentration of the substance in the waters in which the organisms reside.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.663 Determination of Bioconcentration Factors

A Bioconcentration Factor equals the concentration of a substance in all or part of an aquatic organism in milligrams per kilogram of wet tissue weight (mg/kg), divided by the concentration of the substance in the water to which the organism is exposed in milligrams of the substance per liter of water (mg/L).

a) The Bioconcentration Factor is calculated from a field study if the following conditions are met:

1) Data are available to show that the concentration of the substance in the water to which the organism was exposed remained constant over the range of territory inhabited by the organism and for a period of time exceeding 28 days;

2) Competing mechanisms for removal of the substance from solution did not affect the bioavailability of the substance; and

3) The concentration of the substance to which the organism was exposed is less than the lowest concentration causing any adverse effects on the organism.

b) In the absence of a field-derived Bioconcentration Factor, the Bioconcentration Factor is calculated from a laboratory test if the following conditions are met:

1) The Bioconcentration Factor was calculated from measured concentrations of the toxic substance in the test solution;

2) The laboratory test was of sufficient duration to have reached steady-state which is defined as a less than 10 percent change in the calculated Bioconcentration Factor over a 2-day period or 16 percent of the test duration whichever is longer. In the absence of a laboratory test which has

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reached steady-state, the Bioconcentration Factor may be calculated from a laboratory test with a duration greater than 28 days if more than one test is available for the same species of organism;

3) The concentration of the toxic substance to which the test organism was exposed is less than the lowest concentration causing any adverse effects on the organism;

4) If more than one Bioconcentration Factor for the same species is available, the geometric mean of the Bioconcentration Factors is used; and

5) The Bioconcentration Factor is calculated on a wet tissue weight basis. A Bioconcentration Factor calculated using dry tissue weight shall be converted to a wet tissue weight basis by multiplying the dry weight bioconcentration value by 0.1 for plankton and by 0.2 for individual species of fishes and invertebrates.

c) In the absence of any Bioconcentration Factors measured from field studies as specified in subsection (a) or laboratory studies which have reached steady-state as specified in subsection (b), the Bioconcentration Factor is calculated according to the equation:

$$\log BCF = A + B \log Kow$$

Where:

BCF = Bioconcentration Factor;

Kow = The octanol/water partition coefficient measured as specified in ASTM E 1147, incorporated by reference in 35 Ill. Adm. Code 301.106 (If the Kow is not available from laboratory testing, it shall be calculated from structure-activity relationships or available regression equations.); and

The constants A = -0.23 and B = 0.76 shall be used unless a change in the value of the constants is requested (The Agency shall honor requests for changes only if such changes are accompanied by scientifically valid supporting data.).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)
Section 302.666 Utilizing the Bioconcentration Factor

The Bioconcentration Factor derived in Section 302.663 is used to calculate water quality criteria for a substance as specified below:

a) When calculating a WDAPC as described in Section 302.633, the geometric mean of all available steady-state whole body Bioconcentration Factors for fish and shellfish species which constitutes or represents a portion of the diet of indigenous wild and domestic animal species is used. Additional considerations in deriving a Bioconcentration Factor include:

1) An edible portion Bioconcentration Factor is converted to a whole body Bioconcentration Factor for a fish or shellfish species by multiplying the edible portion Bioconcentration Factor by the ratio of the percent lipid in the whole body to the percent lipid in the edible portion of the same species.

2) A Bioconcentration Factor calculated as described in Section 302.663(c) is converted to a whole body Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the whole body to 7.6.

b) When calculating either a human threshold criterion or a human nonthreshold criterion as described in Sections 302.642 through 302.648 and Sections 302.651 through 302.657, respectively, the geometric mean of all available edible portion Bioconcentration Factors for fish and shellfish species consumed by humans is used. Additional considerations in deriving a Bioconcentration Factor include:

1) Edible portions include:

A) Decapods -- muscle tissue.

B) Bivalve molluscs -- total living tissue.

C) Scaled fishes -- boneless, scaleless filets including skin except for bloater chubs in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

which the edible portion is the whole body excluding head, scales and viscera.

D) Smooth-skinned fishes -- boneless, skinless filets.

2) A whole body Bioconcentration Factor is converted to an edible portion Bioconcentration Factor by multiplying the whole body Bioconcentration Factor of a species by the ratio of the percent lipid in the edible portion to the percent lipid in the whole body of the same species.

3) A Bioconcentration Factor calculated as described in Section 302.663 is converted to an edible portion Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the edible portion to 7.6.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.669 Listing of Derived Criteria

a) The Agency shall develop and maintain a listing of toxicity criteria pursuant to this Subpart. This list shall be made available to the public and updated periodically but no less frequently than quarterly, and shall be published when updated in the Illinois Register.

b) A criterion published pursuant to subsection (a) may be proposed to the Board for adoption as a numeric water quality standard.

c) The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion listed pursuant to subsection (a) until adopted by the Board as a water quality standard.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Cancellation, Revocation, or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

Section Numbers	Adopted Action
1040.25	New Section

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Sections 6-100 et seq. and 6-700 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq. and 6-700 et seq.).

5) Effective Date of Amendments: February 7, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: February 7, 1990

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 14810 (September 22, 1989).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

The headings for Section 1040.25 in the table of contents and the text were changed to read the same.

In subsection (a) in the definition of "Auto Emissions Suspension", "in accordance with Section 13A-101 et seq. of the Illinois Vehicle Emission Inspection Law of the Illinois Vehicle Code" was changed to "in accordance with the Vehicle Emissions Inspection Law of the Illinois Vehicle Code".

In subsection (f), (g), (h), (i), (l), and (n), the table indented 1/2" to the right.

In subsection (k), line 10, "of the Illinois Vehicle Code" was added after the phrase "the Illinois Driver Licensing Law".

In subsection (p), lines 1-2, "6-206(a)19 or Section 6-206(a)6" was changed to "Section 6-206(a)(19) or (6)".

NOTICE OF ADOPTED AMENDMENT(S)

Pursuant to an agreement with JC&R, the following further changes were made:

In subsection (d), "as a prior suspension" was inserted after "counted".

In subsections (h), (i), and (j), "(excluding miscellaneous suspensions)" was inserted after "thereof".

12) Have all the changes agreed upon by the Agency and JC&R been made as indicated in the Agreement Letter issued by JC&R? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
1040.80	New Section	13 Ill. Reg. 14014 (September 8, 1989)

15) Summary and Purpose of Rule: This rulemaking establishes the criteria for suspending or revoking a person's driving privileges who operates a motor vehicle without a valid license or permit.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy G. Easum
Deputy General Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-6250

The full text of the Adopted Rule begins on the next page.

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section 1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Traffic Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Licenses or Permits
	Used Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation
	Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	National Driver Register
1040.100	Rescissions
1040.101	Reinstatement Fees

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282 effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7082, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 1, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990.

Note: Boldface type denotes statutory language.

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 et seq. of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 13A-101 et seq.).

"Cleared Suspension or Revocation" - a suspension or revocation of driving privileges which has terminated.

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100).

"Curfew Violation Suspension" - suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 2371 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 2371) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206(a)(13)).

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay fine or appear in court following the issuance of a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-304 and/or 7-305).

"Miscellaneous Suspension" - safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

"Prior Suspension or Revocation" - a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176).

"Safety Responsibility Suspension" - suspension in accordance with Sections 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-205 and 7-208).

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204).

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-303 and 7-313).

"Valid Driver's License or Permit" - license or permit issued by the Secretary of State which is of the proper classification for the purposes for which it is being used and which has not been invalidated by cancellation, revocation, suspension or use after curfew.

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

b) When considering prior convictions, only convictions for driving without a valid driver's license within seven (7) years of the arrest date of the incoming conviction shall be considered.

c) Only those suspensions or revocations cleared within seven (7) years of the forthcoming suspension's or revocation's effective date shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.

NOTICE OF ADOPTED AMENDMENT(S)

d) Miscellaneous suspensions which have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.

e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.

f) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
first conviction	two (2) month suspension
second conviction	four (4) month suspension
third conviction	six (6) month suspension
fourth conviction	twelve (12) month suspension
fifth or subsequent convictions	revocation

g) If a person has one (1) prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
first conviction	four (4) month suspension
second conviction	six (6) month suspension
third conviction	twelve (12) month suspension
fourth or subsequent convictions	revocation

h) If a person has two (2) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
first conviction	six (6) month suspension
second conviction	twelve (12) month suspension
third or subsequent convictions	revocation

NOTICE OF ADOPTED AMENDMENT(S)

i) If a person has three (3) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

<u>Convictions</u>	<u>Action</u>
first conviction	twelve (12) month suspension
second or subsequent convictions	revocation

j) If a person has four (4) or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

k) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for one (1) year from the date of the conviction or one (1) year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-303).

l) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

<u>Conviction</u>	<u>Action</u>
first conviction	four (4) month suspension
second conviction	six (6) month suspension
third conviction	twelve (12) month suspension
fourth and subsequent convictions	revocation

m) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has one (1) prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

Conviction	Action
first conviction	six (6) month suspension
second conviction	twelve (12) month suspension
third or subsequent convictions	revocation
n) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has two (2) prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:	

TABLE

Conviction	Action
first conviction	twelve (12) month suspension
second or subsequent convictions	revocation
o) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has three (3) or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.	

p) If a person has a suspension in effect pursuant to Section 6-206(a)(19) or (6) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-206(a)(19) or (6) and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Added at 14 Ill. Reg. 2944, effective February 7, 1990)

- 1) The Heading of the Part: Mandatory Vehicle Liability Insurance
- 2) Code Citation: 50 Ill. Adm. Code 8010
- 3) Section numbers:

8010.10	Adopted Action:
8010.20	New Section
8010.30	New Section
8010.40	New Section
8010.50	New Section
8010.60	New Section
8010.70	New Section
- 4) Statutory Authority: Implementing and authorized by Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1988 Supp., ch. 95 1/2, par. 7-601 et seq.)
- 5) Effective Date of Rules: February 7, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:

September 15, 1989, 13 Ill. Reg. 14349
- 10) Has JCRC issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Rewrote the Authority notice.
 2. In the main source, left a blank in front of "Ill. Reg." for the volume number.
 3. In Section 8010.10, moved the opening sentence to the one inch margin. Also moved the definitions to the left 1/2 inch.
 4. In Section 8010.10, in the last line of the definition of "Owner", changed "Stats." to "Stat."
 5. In Section 8010.10, line 4 of the definition of "Display" specified the Section and title of the Act. Also did this in Sections 8010.20(a) and (g), 8010.40(a), 8010.60 and 8010.70.

SECRETARY OF STATE

NOTICE OF ADOPTED RULE(S)

6. In Section 8010.20(c)(3) we moved the unlabeled paragraph into (3).
7. In Section 8010.40(f), labeled and indented the unlabeled paragraph.
8. In Sections 8010.60 and 8010.70 made the paragraph appear at the 1 inch left hand margin.
9. Inserted after "cancelled" in Section 8010.40(f) "(if the suspension has not yet become effective)" and after "rescinded" in Section 8010.40(f) "(if the suspension has become effective)."
10. Inserted after "evidence of insurance" in Section 8010.40(f), the following: "as required by this Part."
11. Deleted the word "cleared" from Section 8010.70 and replaced it with "terminated" and changed "may" to "shall" in the second line of this Section.
12. Placed the parenthetical citations in regular type in Section 8010.10, the definitions of "Owner" and "Display".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This rulemaking outlines the Secretary's procedures in regard to the Mandatory Insurance Law. The rules provide what is acceptable as evidence of insurance, what should be contained on the insurance card, the insurance verification process, how a mandatory insurance suspension is cleared, how the Secretary verifies insurance coverage with insurance companies, and the procedure regarding suspension notices.

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the Adopted Rule(s) begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULE(S)

TITLE 50: INSURANCE
CHAPTER IV: SECRETARY OF STATE

PART 8010
MANDATORY VEHICLE LIABILITY INSURANCE

Section
8010.10
8010.20
8010.30
8010.40
8010.50
8010.60
8010.70

Definitions
Insurance Card Requirements
Document Requirements for Other Evidence of Insurance
Mandatory Vehicle Insurance Verification Form
Insurance Company Verification
Suspension Notices
Termination of a Suspension for a Violation of the Mandatory Insurance Law

AUTHORITY: Implementing and authorized by the Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 7-601 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 2952, effective February 7, 1990.

Section 8010.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Act" - is Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1988 Supp., ch. 95½, par. 7-601 et seq.).

"Certificate of Insurance" - legal document issued by an insurer or its authorized representative showing that specific vehicle is insured for liability.

"Declarations Page" - that part of an insurance policy showing all of the pertinent information, name of insured(s), insuring company, the make, the year, the Vehicle Identification Number (VIN), the policy number, and the effective and expiration dates of the policy.

"Department" - Department of Vehicle Services within the Office of the Secretary of State.

"Display" - means the manual surrender of the evidence of insurance into the hands of the law enforcement officer making the request for the

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

officer's inspection thereof as provided in Section 7-602 of the Act.

"Insurance Binder" - legal document issued by an insurer or its authorized representative showing that a specific vehicle is insured for liability.

"Owner" - a person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with this right of purchase upon performance of the conditions stated in the agreement and with an immediate right-of-possession vested in the conditional vendee or lessee, or in the event a mortgagor of such motor vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner as described in Section 1-155 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-155).

"Revocation" - the termination by formal action of the Secretary of a vehicle's registration which termination shall not be subject to renewal or restoration except that an application for a new registration may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a vehicle's registration for a period specifically designated by the Secretary.

Section 8010.20 Insurance Card Requirements

a) Pursuant to Section 7-602 of the Act, each insurance company which issues vehicle liability policies in Illinois shall issue an insurance card to the policy holder of the vehicle indicating the vehicle is insured. The insurance card shall be issued with the policy premium notice or within a reasonable amount of time after receipt of a premium payment. Additional insurance cards shall be issued upon request by the named insured.

b) The top of the front of the insurance card shall display the words "ILLINOIS INSURANCE CARD". The words "IDENTIFICATION" and "TEMPORARY" may also be displayed at the discretion of the issuing company.

c) The insurance card shall contain the following vehicle information:

- 1) the vehicle year,

NOTICE OF ADOPTED RULES

- 2) the vehicle make; and
- 3) either all or the last six (6) characters of the vehicle identification number (VIN). If the insurance card is issued for a fleet policy, it may state "FLEET" in lieu of vehicle years, makes, and VINs and if the card is issued with a non-owner policy, it may state "NON-OWNER POLICY" in lieu of the vehicle year, name and VIN.

d) The insurance card shall contain the following insurance information:

- 1) the name of the insured(s);
- 2) the company name;
- 3) the company code number assigned by the National Association of Insurance Commissioners;
- 4) the policy number;
- 5) the effective date and expiration date which shall cover a period of time not to exceed 12 months;
- 6) a disclaimer as follows: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy"; and
- 7) a warning of excluded drivers or vehicles, when applicable.

e) The minimum size of the insurance card shall be 3" by 2½"; no maximum size is prescribed. A minimum twenty (20) pound paper stock is required. Except for the required disclaimer and any required warnings, the required information shall be displayed on the front of the card. Except for the disclaimer and warnings, the required information shall be displayed in a minimum eight (8) point upper case type.

f) The insurance card may include other information at the discretion of the insurer.

g) Insurance companies may allow authorized representatives to issue temporary insurance cards to satisfy the requirements of the Act. Temporary insurance cards are not required to have the policy number but shall contain all other required information.

Section 8010.30 Document Requirements for Other Evidence of Insurance

- a) If an insured owner has lost or has not yet received an insurance card from his/her insurance company, other evidences of insurance may be carried in the vehicle for display to a law enforcement

NOTICE OF ADOPTED RULES

officer. These include but are not limited to the following:

- 1) A current policy declarations page.
- 2) A certificate of insurance.
- 3) An insurance binder.
- 4) The combination of proof of purchase of the motor vehicle within the previous sixty (60) days and a current insurance card issued for the motor vehicle replaced by such purchase. Proof of purchase shall include but not be limited to the following items:
 - A) bill of sale;
 - B) purchase agreement;
 - C) installment contract;
 - D) copy of front and back of title; or
 - E) the registration identification card showing transfer information.
- 5) A receipt for payment of a current liability insurance premium.
- 6) Illinois Department of Revenue tax form.

- b) Except where noted, all information items listed are required on a binder, certificate of insurance, and a premium receipt for the document to qualify as evidence of insurance. The minimum requirements are:

- 1) company name;
- 2) policy number - not required on a binder or premium receipt;
- 3) effective date;
- 4) expiration date or number of days from the effective date;
- 5) name of insured(s);
- 6) vehicle year;
- 7) vehicle make;
- 8) either all or the last six characters of the vehicle identification number (VIN);
- 9) date of premium payment - required only on a receipt; and
- 10) signature of authorized representative.

- c) Documents issued with a fleet policy may state "FLEET" in lieu of vehicle years, makes and VIN's. Documents issued with a non-owner policy may state "NON-OWNER POLICY" in lieu of vehicle year, make and VIN.

Section 8010.40 Mandatory Vehicle Insurance Verification Form

- a) As provided in Section 7-604 of the Act, the Secretary of State

NOTICE OF ADOPTED RULES

may randomly sample motor vehicles subject to Section 7-601 of the Act to determine whether the motor vehicles are insured.

- b) The Secretary shall send to the owners of the randomly selected motor vehicles or to randomly selected motor vehicle owners an insurance verification form which must be completely filled out and returned to the Department within thirty (30) days.
- c) The vehicle owner shall supply the following insurance verification information:
 - 1) whether the vehicle was insured on the verification date specified, and the reason no insurance existed for the vehicle if not insured;
 - 2) the name of the insurance company that insures the motor vehicle;
 - 3) the policy number;
 - 4) the effective date of the policy and the expiration date of the policy;
 - 5) the owner's signature.

- d) The insurance verification form shall indicate clearly the date on which the form must be returned to the Department.

- e) The insurance verification form also shall contain the owner's drivers license number, the license plate number, the vehicle identification number (VIN), and the model and year of the vehicle.

- f) An owner shall be given a forty-five (45) day notice that his/her vehicle registration shall be suspended for one of the following reasons:

- 1) the owner does not return the insurance verification form within thirty (30) days;
- 2) the insurance verification form is not completely filled out;
- 3) the vehicle owner replies that the vehicle is not insured and does not qualify for an exemption; or
- 4) if the information supplied by the vehicle owner is not verified in the insurance company's response. The registration suspension shall be cancelled (if the suspension has not yet become effective) or rescinded (if the suspension has become effective) if the owner presents to the Department evidence of insurance, as required by this Part, in effect on the verification date.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 8010.50 Insurance Company Verification

- a) The Department shall verify with the named insurance company the information provided on the Mandatory Vehicle Insurance Verification Form. The request for verification may be a computer list, computer tape, or other forms as prescribed by the Secretary of State. The verification response shall be completed on the forms supplied by the Secretary of State.
- b) If, after 30 days, an insurance company has not responded to the request for verification, then the Department shall make a second request for the verification within thirty (30) days. If the insurance company still fails to reply, the Department shall notify the Department of Insurance.

Section 8010.60 Suspension Notices

The suspension notice pursuant to Section 7-606 of the Act shall be mailed at least fourteen (14) days before the suspension is to begin. The suspension notice shall be sent to the vehicle owner's last known address.

Section 8010.70 Termination of a Suspension for a Violation of the Mandatory Insurance Law

After the statutorily required period of suspension of the vehicle registration, the vehicle owner shall have the suspension terminated if the owner has paid the statutorily required reinstatement fee provided in Sections 7-606 or 7-607 of the Act and provided to the Department evidence of insurance in effect on the reinstatement date.

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) The Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: 302.601, 302.603, 302.604, 302.606, 302.612, 302.615, 302.618, 302.621, 302.627, 302.630, 302.633, 302.642, 302.645, 302.648, 302.651, 302.654, 302.657, 302.658, 302.660, 302.663, 302.666, 302.669
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
September 15, 1989 13 Ill. Reg. 14172
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:
February 2, 1990 14 Ill. Reg. 2120
(issue date)
- 6) Summary of Action Taken by the Agency:

By Resolution of September 25, 1990, the Board refused to withdraw or modify the proposed rules. The text of the Resolution is as follows:

In Docket R88-21A, the Pollution Control Board (Board) proposed amendments to 35 Ill. Adm. Code Parts 301, 302, 305 and 309. The proposed amendments to each of these four parts were considered by the Joint Committee on Administrative Rules (JCAR) at its January 10, 1990 meeting. JCAR issued an objection to some, but not all, of the rules proposed in this Docket. Specifically, JCAR objected to the rules proposed as 35 Ill. Adm. Code 302.Subpart F, "Procedures for Determining Water Quality Criteria"; these proposed rules are intended to implement the narrative water quality standard contained in Section 302.210. Section 302.210, in summary, prohibits the discharge into Illinois waterways of toxic contaminants in toxic amounts. Where the Board has not listed specific numeric limitations for discharge of specific chemical constituents in Section 302.208, Section 302.210 and 302.Subpart F provide the procedures and directives for Board and Illinois Environmental Protection Agency (Agency) case-by-case analysis of other toxic contaminants which may be present in an individual discharge.

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

This Resolution and Order constitutes the Board's formal response to JCAR's January 10, 1990 Objection to 35 Ill. Adm. Code 302.Subpart F. Section 7.06(c) of the Administrative Procedure Act (IAPA) requires that an Agency respond within 90 days of an Objection. Section 7.06(c) of the IAPA states that, an Agency may (1) modify the proposed rule or amendment to meet the Joint Committee's Objection, (2) withdraw the proposed rule or amendment in its entirety or (3) refuse to modify or withdraw the proposed rule or amendment. For the reasons set forth below, the Board hereby refuses to modify or withdraw the proposed rules.

The Objection

The JCAR Statement of Objection is a four page document which summarizes the objection as follows:

The Joint Committee objects to Section 302.Subpart F of the Pollution Control Board's rule entitled "Water Quality Standards" (35 Ill. Adm. Code 302) because the Pollution Control Board's proposed rule concerning the determination of water quality standards violates the provisions of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 par. 1001 et seq.) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) by requiring the Environmental Protection Agency to establish water quality criteria which will not be promulgated pursuant to the Illinois Administrative Procedure Act (IAPA). (Objection, pp. 1,4)

JCAR noted that the issue of whether the Board was unlawfully delegating rulemaking authority to the Agency was raised by commentators, including the Illinois Environmental Regulatory Group (IERG), prior to publication of First Notice in the Illinois Register. JCAR further noted that IERG had suggested language to the Board to allow for a narrative standard but to also require Agency rulemaking pursuant to the IAPA "setting forth data requirements and test procedures. JCAR went on to state that:

The Board's response to commentators mirrored its response to the Joint Committee when asked about

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

this issue. The Board has maintained throughout this rulemaking that it is not delegating rulemaking authority to the Agency as the Agency will be developing criteria not standards. The Board has stated that criteria will not have general applicability and, therefore, are not rules as defined by Section 3.09 of the IAPA.

The Board is requiring the Agency to develop "criteria" for toxicity in the waters of Illinois. It would seem logical that at least some of the criteria for toxicity developed by the Agency will have general applicability. If the criteria developed are "policy statements of general applicability", the criteria will be rules as defined by Section 3.09 of the IAPA. If the Agency is developing "rules" then the Board is delegating its rulemaking authority and the criteria should be adopted pursuant to the IAPA. (Objection, p.3).

JCAR cited four examples of Agency rulemakings to which it had objected on the grounds that the Act requires the Board, not the Agency, to adopt such rules. (Objection, p.4).

Board Response

The Board first observes that the issues raised by this Objection were the subject of considerable discussion by the Board in its Second Notice Opinion of December 6, 1989 (pp. 12-17), which has already been supplied to the Joint Committee, and are also the subject of considerable discussion by the Board in its Final Opinion of January 25, 1990 (pp. 27-35) which will be transmitted along with this Response to Objection.

In the interests of brevity, this Response is supplemental to those contained in the text of the Board's Opinions.

1. Section 28.2 of the Environmental Protection Act requires the Board to adopt rules which "fully meet the applicable federal law", which establishes an adoption date of February 4, 1990.

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

Section 28.2 of the Environmental Protection Act establishes procedures for the adoption of a "required rule", defined in part as one "needed to meet the requirements of the federal Clean Water Act (CWA)". Section 28.2 goes on to provide that "[w]henver a required rule is needed, the Board shall adopt a rule which fully meets the applicable federal law".

Pursuant to Section 28.2, the Agency has certified that water toxic rules are "required rules"; the United States Environmental Protection Agency (USEPA) has also presented testimony and comment that the adoption of rules is required on or before February 4, 1990 pursuant to Section 303(c)(2)(B) of the CWA.

Section 303(c)(2)(B) of the Water Quality Act of 1987 provides in part that all states "shall adopt criteria for all toxic pollutants listed pursuant to Section 307(a)(1) ... as necessary to support such designated uses. ... Such criteria shall be specific numerical criteria for such toxic pollutants. Where such numerical criteria are not available ... such states shall adopt criteria based on biological monitoring or assessment methods consistent with information published pursuant to Section (a)(8)." (33 U.S.C. §303(c)(2)(B)).

2. Where "specific numerical criteria" are not available, federal law requires the adoption of specific procedures for their development. The rules contained in 302.Subpart F establish such procedures.

The term "criteria", as used by USEPA, has not previously been used in Illinois environmental regulations. The term used for rules of general applicability is "standards". In the context of this rulemaking, some "specific numeric criteria" are "not available" for timely adoption by the Board as rules of general applicability; the Board has proceeded with this rulemaking on the basis of the Agency proposal, and includes within Section 302.208 the numeric standards which have been demonstrated by the Agency to the Board as appropriate for application on a state-wide basis.

Where specific numeric standards have not been adopted, USEPA guidance documents provide that a state may satisfy the

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

CWA mandate by adopting narrative water quality criteria procedures. The 302.Subpart F rules are intended to establish such procedures.

3. Based on Illinois case law, concerning delegation of rulemaking authority, the Board believes that the 302.Subpart F rules are permissible "directives" to the Agency consistent with the Environmental Protection Act and IAPA. The Board further believes that to allow the Agency to adopt IAPA "data requirements and test procedures" is impermissible, and is the type of Agency rulemaking to which the Joint Committee itself has objected.

The commentators in this proceeding have each discussed the three principal Illinois court cases which have examined Board rules to determine whether the Board has improperly delegated rulemaking authority. While the commentators disagree over whether these Section 302 rules constitute an improper delegation, they do agree as to the analysis used by the court. As the Illinois Steel Group has stated, "[t]hese cases draw a distinction between a delegation of authority and a directive. These cases suggest that a directive from the Board to IEPA to perform a particular act consistent with the Illinois [Environmental Protection] Act is not unlawful whereas a delegation from the Board to IEPA of the authority to set standards is unlawful."

In two cases the court found that the Board had issued permissible directives. In *Commonwealth Edison Co. v. Pollution Control Board*, 62 Ill. 2d 494, 343 N.E. 2d (1976), the Illinois Supreme Court validated a rule (now 35 Ill. Adm. Code 243.104) which provided that if the existing air quality in an area was better than that set by the Board in a general air quality standard, that the better existing air quality should be maintained unless a lowering of the standard was proven to the Agency to be "necessary [to] economic and social development and will not interfere with or become injurious to human health and welfare". Such proof was designed to be made to the Agency in the course of the permit process, and the numbers derived by the Agency were to be used as air permit limitations. In affirming the rule, the Supreme Court overruled a finding by the First District Appellate Court that the rule was invalid. In *U.S. Steel*

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

Corp. v. Pollution Control Board, 52 Ill. App. 3d, 367 N.E. 2d 327 (2d Dist. 1977), the Appellate Court addressed a rule (now 35 Ill. Adm. Code 309.141(f)) which allows the Agency to establish numerical effluent limitations as conditions in NPDES permits necessary to accomplish the purposes of the CWA, even prior to promulgation of effluent standards by USEPA. The court found this to be a proper directive from the Board to the Agency, rather than an improper delegation. The court noted that it found no conflict between this rule and Section 39(b) of the Environmental Protection Act, which gives the Agency explicit statutory authority to issue permits containing "those terms and conditions...which may be required to accomplish the purposes and provisions of the Act."

On the other hand, in reviewing the very same rule as did the U.S. Steel court, the Fifth District Appellate court found the rule to be an unlawful delegation of Board rulemaking authority in Peabody Coal Co. v. Pollution Control Board, 36 Ill. App. 3d, 344 N.E. 2d 279 (5th Dist. 1976). In so holding, the Court specifically acknowledged the prior Supreme Court and appellate court holdings in the Commonwealth Edison cases, and adopted the appellate court's opinion as more "appropriate and persuasive" than that of the Supreme Court.

The rules developed by the Board in 302.Subpart F are clearly the type of rules which were found to be permissible "directives" by the Supreme Court in Commonwealth Edison and the appellate court in U.S. Steel. In each of these rules, the Agency has been directed to calculate a number to be included in a permit to be issued by the Agency pursuant to Section 39 of the Environmental Protection Act, and subject to the review of the Board pursuant to Section 40 of the Act. The difference between the 302.Subpart F rules and the older rules considered by the courts is that the 302 rules are more specific rules; the older, pre-IAPA rules do not establish as many directives and "groundrules" for exercise of Agency discretion as do these rules.

The Board notes that the Joint Committee itself has not objected to Board rules which direct the Agency to calculate numbers to be used in permit conditions, provided that the rule articulates factors to be considered by the Agency in making such calculations. (See 35 Ill. Adm. Code 202.401, directing Agency determination of the useful life of a facility for air permits containing alternative control

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

strategies, considered by JCAR February 23, 1984.) The Board believes that were it to fail to issue the "data requirements and test procedures" to be used in deriving criteria as Board rules, that the rules would be defective pursuant to the IAPA. Moreover, the Board fails to see where the Agency has statutory authority to itself adopt such rules, which are of the type to which the Joint Committee has previously raised objection. (See Objection, p. 4)

4. If the Board were to direct the Agency to adopt "data requirements and test procedures" by way of IAPA rulemaking, the practical effect of such action would be to insulate Agency decisions from timely review.

As the Joint Committee has noted in its objection, it is the Board's position that criteria to be derived by the Agency pursuant to Part 302 are not rules of general applicability, but would instead be applied in permitting and other site-specific situations. The Board has made clear in Section 302.210(f) that the numbers calculated by the Agency enjoy no "presumption of validity" in the specific cases in which they will be applied. The Agency bears the burden of demonstrating that the criterion is validly derived and applied in an action before the Board. The Board's actions are then appealable in the appellate court pursuant to Sections 29 and 40 of the Environmental Protection Act.

In contrast, rules adopted by the Agency pursuant to the IAPA are not reviewable by the Board under the Environmental Protection Act; such rules are reviewable by the circuit courts pursuant to the Illinois Administrative Review Act. Review by the circuit court alone is likely to be a more lengthy process than review by the Board an appellate court, given the relatively more crowded calendars of the state's circuit courts. Until such time as an Agency rule were to be overturned by a circuit court, the Board would arguably be required to deem the Agency rule valid and apply it as written; the Board cannot opine with certainty in this area, as the Environmental Protection Act was designed to prevent such situations. The Board further notes that it would be equally arguable as to whether the Board could grant a discharge relief from an Agency rule, either by way of variance, adjusted standard, or site-specific rule; the Environmental Protection Act is clear that only the Board may grant relief from its own regulations.

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

The Board's view, then, continues to be that Agency adoption of even "data requirements and test procedures" by IAPA rulemaking would result in the very situation the Joint Committee's objection seeks to avoid: unlawful delegation by the Board to the Agency of the Board's duties to "determine, define, and implement environmental control standards". The system proposed by the Board allows for site-by-site challenge of criteria as they are developed pursuant to procedures adopted by the Board. At such time as it appears that any criterion should be given statewide applicability, the Agency, the Board, or any other person can initiate a rulemaking to have a criterion elevated to the status of a standard.

Conclusion

The Board does not take a Joint Committee Objection lightly.

Section 7.06 of the IAPA sets forth the universe of possible Board responses. Neither modification nor withdrawal of the rules appears to be an appropriate response to the Objection, given the mandate of Section 28.2 of the Environmental Protection Act that requirements of the CWA be met by February 4, 1990, the Board's belief that it has proposed the only compliance option practically available to it, and its belief that the compliance option does not constitute improper delegation of the Board's rulemaking authority. Under these circumstances, the Board believes its only recourse is to refuse to modify or withdraw these proposed rules.

Notwithstanding its Response to Objection, the Board wishes to thank the Joint Committee and its staff for their favorable consideration of the requests made by the Board and its staff for expedited review of various phases of this proceeding. The Board appreciates the sensitivity to its desire to make a timely decision in this matter.

- 1) The Heading of the Part: Service Plan Development
- 2) Code Citation: 89 Ill. Adm. Code 700
- 3) Section Numbers: 700.200 amendment
700.300 amendment
Action:
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
September 15, 1989 13 Ill. Reg. 14331
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register
December 29, 1989 13 Ill. Reg. 20407
(issue date)
- 6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules objected to Section 700.200(a) of the Department of Rehabilitation Services (DORS) proposed amendments, 89 Ill. Adm. Code 700 (Service Plan Development) because DORS lacked the statutory authority to pay Personal Assistants at \$3.68 per hour until the authorizing statute's (Public Act 86-908) effective date of January 1, 1990.

DORS' intention was to be in compliance with Public Act 86-908 which states in part, "Starting July 1, 1989 the Department shall provide a 5% increase in the hourly wage paid to an individual for services as a personal care attendant. . . ." DORS relied on the July 1, 1989 date which was specified in Public Act 86-908.

Since neither modification nor withdrawal would serve in any way to address the Joint Committee's objection, DORS respectfully refuses to modify or withdraw. The proposed amendment, incorporating the previously agreed modifications, shall be adopted.

OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF FINE AND NO SUSPENSION OR
REVOCATION OF LICENSE TO ACT AS A RESIDENTIAL
MORTGAGE LICENSEE OF LORAC MORTGAGE
CORPORATION, CAROL SUTTON, PRESIDENT

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Fine and No Suspension or Revocation of the License to Act As A Residential Mortgage Licensee of Lorac Mortgage Corporation, Carol Sutton, President, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq. The Order is effective November 14, 1989.

OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF REVOCATION OF LICENSE TO
ACT AS A RESIDENTIAL MORTGAGE LICENSEE OF
ADVANTAGE MORTGAGE CORPORATION, ROBERT
KLBECKA, PRESIDENT

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Revocation of the License to Act As A Residential Mortgage Licensee of Whittington Mortgage Company, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq.

OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF REVOCATION OF LICENSE TO
ACT AS A RESIDENTIAL MORTGAGE LICENSEE OF
FIRST UNIVERSAL MORTGAGE COMPANY, MARTIE LEE,
PRESIDENT.

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Revocation of the License to Act As A Residential Mortgage Licensee of First Universal Mortgage Company, Martie Lee, President, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq.

OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF REVOCATION OF LICENSE TO
ACT AS A RESIDENTIAL MORTGAGE LICENSEE OF
MIDWEST MORTGAGE FINANCIAL GROUP LTD., CHARLES
TAYLOR,

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Revocation of the License to Act As A Residential Mortgage Licensee of Midwest Mortgage Financial Group Ltd., Charles Taylor, President, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLIC INFORMATION

WITHDRAWAL OF ORDER OF SUMMARY SUSPENSION OF
AND REINSTATEMENT OF THE LICENSE OF PREFERRED
FINANCIAL SERVICES, INC., CAROL STONE,
PRESIDENT, TO ACT AS A RESIDENTIAL MORTGAGE
LICENSEE.

Effective January 25, 1990, the Commissioner of Savings and
Loan Associations withdrew his Order of Emergency Suspension,
effective January 12, 1990, of Preferred Financial Services, Inc.,
of Carol Stone President, to Act As A Residential Mortgage Licensee
pursuant to the Illinois Residential Mortgage License Act.
Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq. This License is
reinstated and the Licensee may now Act As A Residential Mortgage
Licensee pursuant to the Illinois Residential Mortgage License Act.
Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq. Hearing on the
matter of the suspension will no longer be held.

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on
Administrative Rules during the period of February 5, 1990, through February
9, 1990, and have been scheduled for review by the Committee at its March 7,
1990 meeting. Other items not contained in this published list may also be
considered by the Joint Committee at its March meeting. Members of the public
wishing to express their views with respect to a proposed rule should submit
written comments to the Joint Committee at the following address: Joint
Committee on Administrative Rules, 509 South Sixth Street, Room 500,
Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/22/90	Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill. Adm. Code 115)	12/15/89 13 Ill. Reg. 19329	March 7, 1990
3/23/90	Department of Labor, Health and Safety (56 Ill. Adm. Code 350)	4/28/89 13 Ill. Reg. 5839	March 7, 1990
3/23/90	Secretary of State, Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)	10/20/89 13 Ill. Reg. 16302	March 7, 1990
3/26/90	Environmental Protection Agency, State Remedial Action Priorities List (35 Ill. Adm. Code 860)	10/20/89 13 Ill. Reg. 16252	March 7, 1990
3/26/90	Department of Rehabilitation Services, Auxiliary Aids (89 Ill. Adm. Code 540)	11/3/89 13 Ill. Reg. 16927	March 7, 1990
3/26/90	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	12/15/89 13 Ill. Reg. 19347	March 7, 1990
3/26/90	Department of Employment Security, Administrative Hearings and Appeals (56 Ill. Adm. Code 2725)	12/22/89 13 Ill. Reg. 19841	March 7, 1990
3/26/90	Department of Commerce and Community Affairs, Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)	11/17/89 13 Ill. Reg. 17567	March 7, 1990

PROCLAMATION

90-38

MARIAN CATHOLIC HIGH SCHOOL BAND DAY

Whereas, the Marian Catholic High School band has won the Grand National Championships four of the last five years and has been State of Illinois Grand Champion five of the last six years; and

Whereas, the band has also won more than 250 other major awards and titles in both marching and concert performances; and Whereas, Marian Catholic High School, located in Chicago Heights, is the only Illinois school to win both the concert band and marching band state championships in the same year; and Whereas, in its Grand National Championship win of 1988 at the Silverdome in Pontiac, Michigan, Marian recorded the highest competition score ever by a band; and Whereas, the band will perform in the State Capitol rotunda on April 25, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 25, 1990, as MARIAN CATHOLIC HIGH SCHOOL BAND DAY in Illinois, recognizing the school's unequaled accomplishments in the field of marching and concert band performance.

Issued by the Governor February 6, 1990.

Filed with the Secretary of State February 13, 1990.

90-39

SUPER SMILE DAY

Whereas, the Auxiliary to the Illinois State Dental Society is sponsoring educational and awareness programs to encourage good dental health habits; and Whereas, the average American consumes approximately 120 pounds of sugar a year; and Whereas, it is generally known that sugar contributes to both tooth decay and the formation of plaque; and

Whereas, the Auxiliary is sponsoring Super Smile Day to call attention to the relationship between dental health and good nutrition;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 27, 1990, as SUPER SMILE DAY in Illinois, and urge all citizens to be aware of the effects of sugar on their dental health and overall well-being.

Issued by the Governor February 6, 1990.

Filed with the Secretary of State February 13, 1990.

90-40

CARDIAC REHABILITATION WEEK

Whereas, cardiovascular diseases continue to be the number one cause of death in our nation today; and

Whereas, medical research supports the premise that reduction of cardiovascular disease risk factors through regular exercise, blood-pressure control, cholesterol reduction, smoking cessation, and stress management can decrease cardiovascular disease morbidity and mortality; and

Whereas, cardiac rehabilitation provides an opportunity for cardiac patients to return to optimal physical, psychological, social, and occupational health through supervised exercise and cardiovascular disease risk factor education and modification; and

Whereas, there are more than 100 organized cardiac rehabilitation programs in the State of Illinois. The American Association of Cardiovascular and Pulmonary Rehabilitation and the Illinois Society for Cardiac Health and Rehabilitation are sponsoring Cardiac Rehabilitation Week February 11-17, 1990; and Whereas, the purpose of this week is to increase awareness of cardiac rehabilitation and the opportunities that it provides for improved cardiovascular health and quality of life for the cardiac patient;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as CARDIAC REHABILITATION WEEK in Illinois, in recognition of the role that cardiac rehabilitation programs play in the prevention and treatment of cardiovascular diseases.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-41

EMPLOYEE HEALTH AND FITNESS DAY

Whereas, recent studies indicate exercise is one of the most efficient and cost-effective ways that employees can maintain good physical and mental health; and

Whereas, a strong and healthy body influences an individual's outlook on life, as well as mental attitude, daily experiences on and off the job, and academic and social skills; and

Whereas, the National Association of Governors' Councils on Physical Fitness and Sports and the Association For Fitness in Business are presenting the second National Employee Health and Fitness Day (NEHFD) on Wednesday, May 16, 1990, through the corporate sponsorship of the Allstate Life Insurance Company; and

Whereas, NEHFD is the largest event in the nation's history to promote fitness at the worksite, and the ultimate goal of NEHFD is to encourage employers to look seriously at initiating long-term fitness and recreation programs;

Therefore, I, James R. Thompson, Governor of the State of

Illinois, proclaim May 16, 1990, as EMPLOYEE HEALTH AND FITNESS DAY in Illinois and urge Illinoisans to participate in the day's events.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-42
FFA WEEK

Whereas, agriculture is vital to the future progress and prosperity of Illinois; and
Whereas, more than 10,600 members of the Future Farmers of America (FFA) in Illinois are studying agriculture; and
Whereas, the 1990 theme for the Illinois Association FFA is "Making it Happen"; and

Whereas, "Leading the Challenge" has been chosen as the theme for the National FFA, in order to depict the farsightedness and aggressiveness of the FFA;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 17-24, 1990, as FFA WEEK in Illinois and urge all citizens to recognize the significance of agriculture and encourage and support the efforts of these young agricultural leaders.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-43
FUTURE BUSINESS LEADERS OF AMERICA-PHI
BETA LAMBDA WEEK

Whereas, the State of Illinois recognizes the youth of our nation as the foundation of America's thriving business structure; and

Whereas, Future Business Leaders of America-Phi Beta Lambda represent nearly 200,000 young men and women who have an enthusiastic interest in the business world; and

Whereas, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' confidence in themselves and their work; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois, in conjunction with the national observance.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-44
LEAGUE OF WOMEN VOTERS WEEK

Whereas, for 70 years the League of Women Voters of Illinois has worked to encourage all citizens to become informed and active participants in government; and

Whereas, the League of Women Voters of Illinois has provided information to Illinois citizens on issues including education, child welfare, fiscal policy, environment, civil rights and mental health; and

Whereas, the League of Women Voters of Illinois has assisted voters in learning about candidates for public office and their positions on public issues; and

Whereas, the League of Women Voters of Illinois will meet on February 18, 1990, in Chicago to celebrate the founding of the Illinois and National Leagues of Women Voters;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 12-18, 1990, as LEAGUE OF WOMEN VOTERS WEEK in Illinois in recognition of the league's 70 years of existence.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-45
RECOGNIZES LACEY C. BROOKS

Whereas, Lacey C. Brooks was born and raised in a small town in the hills of Mississippi and graduated from Mississippi State University; and

Whereas, Lacey served his country in World War II as a Petty Officer First Class and was aboard the PT-162 which picked up Navy Lt. John F. Kennedy and his men after Kennedy's PT-109 was sunk; and

Whereas, in 1948 he started his illustrious career in the hospitality industry in New York City, joined Holiday Inns in 1960, and moved to Springfield, Illinois, in 1966 to accept a position as vice president and general manager of the Holiday Inn East; and

Whereas, Lacey C. Brooks was honored by the American Hotel-Motel Association as "Manager of the Year" for North America in 1981, was named "Boss of the Year for Springfield" in 1974 and 1989, and has served as president or chairman of many business and community organizations;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize LACEY C. BROOKS on his retirement from the hospitality industry and commend him for his years of dedicated community service.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-46

SALUTE TO HOSPITALIZED VETERANS WEEK

Whereas, on any given day, more than 60,000 veterans are hospitalized in the 172 Veterans Administration Medical Centers nationwide; and

Whereas, these courageous men and women have sacrificed and suffered in fighting for the freedom we Americans so greatly cherish; and

Whereas, today our hospitalized veterans continue to serve as an inspiration to all of us by showing the meaning of courage in the face of challenge; and

Whereas, our nation will not forget these heroes and the tremendous sacrifices they have made for our country;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as SALUTE TO HOSPITALIZED VETERANS WEEK in Illinois and urge Illinoisans to show their support and appreciation for our courageous veterans.

Issued by the Governor February 8, 1990.

Filed with the Secretary of State February 13, 1990.

THIS PAGE LEFT BLANK INTENTIONALLY

ACTION CODES

JCAR - Joint Committee on Administrative Rules

- A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
P - Proposed Rule
PF - Prohibited Filing Ordered by JCAR
PP - Peremptory or Court ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907)
8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)
8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-15942/89; A-1935)
8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)
8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

CENTRAL MANAAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627)
80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)
89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
92 Ill. Adm. Code 1710 Relocation Towing (P-2721)
83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)
83 Ill. Adm. Code 305 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Public Community College Act (P-14) (E-299)

COMPTROLLER

- 2 Ill. Adm. Code 625 Access to Information (A-186)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-15509/89; A-638)
17 Ill. Adm. Code 3040 Ill. Bicycle Path Grant Program (P-442)
17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-455)
17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478)
17 Ill. Adm. Code 210 Rental of Boats & Boating Facilities (P-16892/89; A-2013)
17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-491) (P-2419)
17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

EDUCATION, BOARD OF HIGHER

- 23 Ill. Adm. Code 1025 Engineering Grant Program (P-14516/89; A-2015)
23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-14521/89; A-2020)
23 Ill. Adm. Code 1000 Ill. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14531/89; A-2030)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 25 Certification (P-8756/89; A-1243)
23 Ill. Adm. Code 253 Comprehensive Health Education (P-1645)
23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-1650)

EDUCATIONAL OPPORTUNITY, ILLINOIS CONSORTIUM FOR

- 23 Ill. Adm. Code 2400 Ill. Consortium for Educational Opportunity Program (P-1703)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15543/89; A-2038)
56 Ill. Adm. Code 2732 Employment (P-12748/89; O-20398/89; R-1049; A-673)
56 Ill. Adm. Code 2830 Payment of Benefits (P-2423)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-1101)

ILLINOIS REGISTER

VOL. 14, ISSUE #8

1990 CUMULATIVE INDEX

FEBRUARY 23, 1990

ENERGY AND NATURAL RESOURCES, DEPARTMENT OF

83 Ill. Adm. Code 1000 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12756/89; AR-681)

ENVIRONMENTAL PROTECTION AGENCY

35 Ill. Adm. Code 691 Annual Testing Fees for Analytical Services (P-15164/89; A-2045)
 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738/89; A-2055)
 35 Ill. Adm. Code 690 Permit Fees for Installing or Extending Water Main (P-15174/89; A-2070)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 195 Ill. Development Credit Corporation Act (P-1558)
 50 Ill. Adm. Code 8100 Title Insurance Act (P-16; C-1051) (E-305)

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-63)

GUARDIANSHIP AND ADVOCACY COMMISSION

59 Ill. Adm. Code 301 Fee Schedule for the Office of the State Guardian (P-1708)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

77 Ill. Adm. Code 2510 Data Collection (P-8198/89; A-2078)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 360 Affordable Housing Program (P-1726) (E-2094)
 47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (P-13371/89; A-683)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 909 Advertising & Sales Promotion of Life Insurance & Annuities (P-2744)
 50 Ill. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-1729)
 50 Ill. Adm. Code 930 Life Insurance Solicitation (P-2754)
 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-17615/89; W-2410)
 50 Ill. Adm. Code 3113 Premium Fund Trust Account (P-12935/89; A-2088)

LABOR, DEPARTMENT OF

68 Ill. Adm. Code 690 Nurse Agency Licensing Act (P-1107)
 56 Ill. Adm. Code 100 Prevailing Wage Hearing Procedures (P-536) (E-1026)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-15182/89; A-2873)
 80 Ill. Adm. Code 1100 General Procedures (P-1327/89; A-1270)
 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335/89; A-1278)
 80 Ill. Adm. Code 1110 Representation Procedures (P-1357/89; A-1297)
 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1381/89; A-1322)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

59 Ill. Adm. Code 102 Dept. Facilities & Grounds (P-2432)

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 240 An Act in Relation to Oil, Gas & Other Surface & Underground Resources (P-15226/89; A-2317)

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-5874/89; A-1333; O-2134)

ILLINOIS REGISTER

VOL. 14, ISSUE #8

1990 CUMULATIVE INDEX

FEBRUARY 23, 1990

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 211 Definitions & General Provisions (P-2766)
 35 Ill. Adm. Code 604 Finished Water & Raw Water (P-255/89; A-689)
 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-72)
 35 Ill. Adm. Code 601 Introduction (P-262/89; A-1379)
 35 Ill. Adm. Code 301 Introduction (P-14152/89; A-2879)
 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-79)
 35 Ill. Adm. Code 305 Monitoring & Reporting (P-14159/89; A-2888)
 35 Ill. Adm. Code 215 Organic Material Emission Standards & Limitations (P-2772)
 35 Ill. Adm. Code 105 Permits (P-2784)
 35 Ill. Adm. Code 309 Permits (P-14164/89; A-2892)
 35 Ill. Adm. Code 702 RCRA & UIC Permit Programs (P-120)
 35 Ill. Adm. Code 703 RCRA Permit Program (P-125)
 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269/89; A-695)
 35 Ill. Adm. Code 731 Underground Storage Tanks (P-153) (P-2791)
 35 Ill. Adm. Code 302 Water Quality Standards (P-14172/89; O-2120; R-2940; A-2899)

PROFESSIONAL REGULATION, DEPARTMENT OF

68 Ill. Adm. Code 1320 Optometric Practice Act of 1987 (P-2444)
 68 Ill. Adm. Code 1360 Podiatric Medical Practice Act of 1987 (P-14004/89; A-701)
 68 Ill. Adm. Code 1240 Private Detective, Private Alarm & Private Security Act of 1983 (P-2456)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 130 Administration of Social Service Programs (P-1564)
 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-538) (P-14741/89; A-705) (P-1123) (P-2798)
 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-163) (P-14263/89; A-720) (P-2811)
 89 Ill. Adm. Code 141 Drug Manual (P-2465) (E-2657)
 89 Ill. Adm. Code 121 Food Stamps (P-548) (P-13503/89; A-729) (P-14756/89; A-729)
 89 Ill. Adm. Code 114 General Assistance (P-14764/89; A-746) (P-2821)
 89 Ill. Adm. Code 148 Hospital Assistance (P-13729/89; A-2553)
 89 Ill. Adm. Code 120 Medical Assistance Programs (P-558) (P-14778/89; A-760) (E-1494) (P-2831)
 89 Ill. Adm. Code 140 Medical Payment (P-11157/89; A-190) (P-1570) (P-13737) (P-13178/89; A-2564) (P-15612/89; A-2564)

89 Ill. Adm. Code 115 Refugee/Entrant/Repatriate Program (P-14790/89; A-773) (P-2469)
 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10763/89; A-210)
 89 Ill. Adm. Code 117 Related Program Provisions (P-14008/89; A-780)
 89 Ill. Adm. Code 118 Special Eligibility Groups (P-2473)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-172) (E-335)
 77 Ill. Adm. Code 694 College Immunization Code (P-5491/89; O-15888/89; RC-15892/89; M-20136/89; A-1609)
 77 Ill. Adm. Code 535 Emergency Medical Services Code (P-1755)
 77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-7875/89; A-2342) (P-2478)
 77 Ill. Adm. Code 450 Ill. Clinical Laboratories Code (P-14280/89; A-2360)
 77 Ill. Adm. Code 790 Ill. Formulary for the Drug Product Selection Program, The (P-1220) (E-1505)
 77 Ill. Adm. Code 245 Ill. Home Health Agency Code (P-10007/89; A-2382)
 77 Ill. Adm. Code 890 Ill. Plumbing Code (P-4543/89; A-1385)
 77 Ill. Adm. Code 820 Ill. Swimming Pool & Bathing Beach Code (P-12395/89; A-786)
 77 Ill. Adm. Code 920 Ill. Water Well Construction Code (P-15338/89; A-228)
 77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-2210)
 77 Ill. Adm. Code 615 Local Health Depts. Program Standards Code (P-10137/89; A-805)
 77 Ill. Adm. Code 390 Long-Term Care for Under Age 22 Facilities Code (P-2237)
 77 Ill. Adm. Code 935 Migrant Labor Camps (P-2498)
 77 Ill. Adm. Code 240 Minimum Health Care Standards for Health Maintenance Organizations (P-10028/89; A-2403)
 77 Ill. Adm. Code 600 Minimum Qualifications for Personnel Employed by Local Health Depts. Code (P-10035/89; A-840)

ILLINOIS REGISTER

VOL. 14, ISSUE #8

1990 CUMULATIVE INDEX

FEBRUARY 23, 1990

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics Code (P-14306/89; A-864)
 77 Ill. Adm. Code 725
 Sheltered Care Facilities Code (P-1827)
 77 Ill. Adm. Code 330
 Skilled Nursing & Intermediate Care Facilities Code (P-2261)
 77 Ill. Adm. Code 300
 Structural Pest Control Code (P-571) (E-1038)
 77 Ill. Adm. Code 830

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 405
 Pari-Mutuels (P-1224)
 11 Ill. Adm. Code 415
 Programs (P-1597)
 11 Ill. Adm. Code 409
 Trifecta Rules (P-1601) (P-1849)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 562
 Client Financial Participation (P-14313/89; A-1466)
 89 Ill. Adm. Code 602
 Maintenance (P-14797/89; A-2598)
 89 Ill. Adm. Code 700
 Service Plan Development (P-14331/89; O-20407/89; R-2968)
 89 Ill. Adm. Code 890
 Telecommunication Devices for the Hearing Impaired (P-2844)
 89 Ill. Adm. Code 592
 Training Services (P-14338/89; A-1473)

RETIREMENT SYSTEM, STATE UNIVERSITIES

80 Ill. Adm. Code 1600
 Universities Retirement (P-1228)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 130
 Retailers' Occupation Tax (P-22097/88; O-20410/89; M-411; A-241) (P-8391/89; A-872)
 86 Ill. Adm. Code 140
 Service Occupation Tax (P-10179/89; A-262)
 86 Ill. Adm. Code 205
 Taxpayer Rights (P-575)

SECRETARY OF STATE

92 Ill. Adm. Code 1040
 Cancellation, Revocation, or Suspension of Licenses or Permits (P-14810/89; A-2944)
 92 Ill. Adm. Code 1010
 Certificates of Title, Registration of Vehicles (P-1853)
 92 Ill. Adm. Code 1060
 Commercial Driver Training Schools (P-1859)
 92 Ill. Adm. Code 1070
 Ill. Safety Responsibility Law (P-2526)
 92 Ill. Adm. Code 1030
 Issuance of Licenses (P-179) (P-579) (P-1902) (P-2289) (P-2530) (P-2852)
 50 Ill. Adm. Code 8010
 Mandatory Vehicle Liability Insurance (P-14349/89; A-2952)
 92 Ill. Adm. Code 1002
 Procedures & Standards (P-16932/89; A-2601)
 14 Ill. Adm. Code 130
 Regs. Under the Ill. Securities Law of 1953 (P-13742/89; A-884)
 14 Ill. Adm. Code 170
 Revised Uniform Limited Partnership Act (P-14824/89; A-1480)
 71 Ill. Adm. Code 2005
 Use of the Capitol Complex Facilities, The (P-15640/89; O-2124; RC-2131)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

23 Ill. Adm. Code 2720
 Guaranteed Loan Programs (P-2300)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 730
 Allocation of Water from Lake Michigan (P-14357/89; A-1484)
 92 Ill. Adm. Code 177
 Carriage by Public Highway (P-16367/89; A-2613)
 92 Ill. Adm. Code 180
 Continuing Qualification & Maintenance of Packaging (P-16371/89; A-2617)
 92 Ill. Adm. Code 171
 General Information, Regs., & Definitions (P-16375/89; A-2621)
 92 Ill. Adm. Code 172
 Hazardous Materials Table & Hazardous Materials Communications (P-16382/89; A-2628)
 92 Ill. Adm. Code 107
 Procedures (P-16387/89; A-2633)
 92 Ill. Adm. Code 173
 Shippers General Requirements for Shipments & Packagings (P-16393/89; A-2651)
 92 Ill. Adm. Code 178
 Shipping Container Specifications (P-16400/89; A-2640)

ILLINOIS REGISTER

VOL. 14, ISSUE #8

1990 CUMULATIVE INDEX

FEBRUARY 23, 1990

PUBLIC HEARINGS

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 855
 Asbestos Abatement for Public & Private Schools in Ill.
 77 Ill. Adm. Code 535
 Emergency Medical Services Code
 77 Ill. Adm. Code 396
 Life Care Facilities Contract Code
 77 Ill. Adm. Code 830
 Structural Pest Control Code

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 495
 Telecommunications Excise Tax

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire West Frankfort Community Bancshares, Inc., West Frankfort, Illinois

LOTTERY, DEPARTMENT OF THE

Game-Specific Materials (Calendar year 1989)

REVENUE, DEPARTMENT OF

Index of Letter Rulings (Third Quarter of 1989) (Income Tax)
 Index of Letter Rulings (Third Quarter of 1989) (ROT)
 Index of Letter Rulings (Fourth Quarter of 1989) (Income Tax)

SAVINGS AND LOAN COMMISSIONS, COMMISSIONER OF

Summary of Order of Fine & no Suspension or Revocation of License to Act as a Residential Mortgage Licensee of Lorac Mortgage Corporation, Carol Sutton, President
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of Advantage Mortgage Corporation, Robert Kibecka, President
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of First Universal Mortgage Company, Marie Lee, President
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of Midwest Mortgage Financial Group Ltd., Charles Taylor
 Withdrawal of Order of Summary Suspension of & Reinstatement of the License of Preferred Financial Services, Inc., Carol Stone, President, To Act as a Residential Mortgage Licensee

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 10, 1990
 February 8, 1990

Second Notices Received

422, 1077, 1537, 1634, 2198, 2411, 2708, 2974

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

90-1 Executive Order For The Establishment Of An Interagency Council On Census Coordination

PROCLAMATIONS

89-562 Girls And Women In Sports Day
 89-563 Soup Month

PROCLAMATIONS (CONT'D)

89-564	Vocational Education Week	425
89-565	Nick Perrino Day	425
89-566	Chronic Fatigue Syndrome Awareness Day	426
90-001	Careers In Cosmetology Month	1538
90-002	Jaycee Week	1538
90-003	William Franklin Fennoy Day	1538
90-004	Financial Aid Awareness Month	1539
90-005	Printing Week	1540
90-006	Antioch Rescue Squad Day	1639
90-006	Antioch Rescue Squad Day (Revised)	2412
90-007	Recognizes Frank R. Zimmerman	1640
90-008	United States Navy Armed Guard Week	1641
90-009	Catholic Schools Appreciation Day	1642
90-010	Patrick G. Ryan Day	1643
90-011	Red Cloud Special 25th Anniversary Day	1644
90-012	Engineers Week	2200
90-013	Kidney Month	2200
90-014	Land And Water Conservation Fund/25th Anniversary	2201
90-015	South Side YMCA Day	2201
90-016	Earth Day	2202
90-017	Foreign Week	2202
90-018	Astronaut Remembrance Day	2202
90-019	Land Surveyors Month	2203
90-020	Marion Housing Authority Referendum/Federal Social Security Act/Illinois Pension Code	2203
90-021	Ukrainian Independence Day	2204
90-022	Afro-American History Month	2413
90-022	African-American History Month (Revised)	2710
90-023	Biomedical Equipment Technology Week	2414
90-024	Freedom Day	2415
90-025	IRS-Sponsored Volunteer Week	2416
90-026	Sales And Marketing Month	2417
90-027	Travel Agency Appreciation Week	2418
90-028	Consumers Week	2711
90-029	American Ballet Theatre Week	2712
90-030	Black Nurses' Day	2713
90-031	Illinois School Psychologists Association Week	2714
90-032	Post Anesthesia Nurse Awareness Week	2715
90-033	Illinois Community College System/25th Anniversary	2716
90-034	Minority Education Day	2717
90-035	Motorcycle Awareness Month	2718
90-036	UIC Month	2719
90-037	Women's History Month	2720
90-038	Marian Catholic High School Band Day	2975
90-039	Super Smile Day	2975
90-040	Cardiac Rehabilitation Week	2976
90-041	Employee Health and Fitness Day	2976
90-042	FFA Week	2977
90-043	Future Business Leaders of America-Phi Beta Lambda Week	2977
90-044	League of Women Voters Week	2978
90-045	Recognizes Lacey C. Brooks	2978
90-046	Salute To Hospitalized Veterans Week	2979

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-857/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule